



National Integrity Systems

Transparency International

Country Study Report

Sierra Leone 2004

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Contents

National Integrity Systems	1
Transparency International.....	1
Country Study Report.....	1
Sierra Leone 2004	1
List of Tables.....	4
Abbreviations.....	5
Executive Summary.....	7
Country Overview.....	13
Corruption Profile.....	18
Most Common Corrupt Practices	18
Causes of Corruption.....	21
Corruption and Anti-Corruption Policies: An Evaluation	24
The National Integrity System	28
Executive	28
Legislature	31
Political Parties	32
National Electoral Commission	34
Auditor-General (AG)	35
Judiciary	37
Civil Service	39
The Police Force	42
Prosecutors	43
Public Procurement.....	44
Ombudsman.....	47
Investigative/Watchdog Agencies	48
Media	53
Civil Society	57
Regional and Local Government	58
Anti-Corruption Activities.....	63
Anti-Corruption Legislation and Institutions.....	63
Anti-Corruption Initiatives.....	63
Donor Cooperation and Coordination.....	65
Priority Areas and Areas for Possible Donor Support or Intervention	65
Discussion of Key Issues.....	67
The NIS	67
Effectiveness of Government and Donor Activities	71
Priorities and Recommendations	71
Bibliography	74
Reports	74
Newspapers and Journals/Magazines	75
Legislation	76
Endnotes	77

List of Tables

Table 1	Successive Regimes	7
Table 2	Perceived Corruption – Infected Government Departments/Ministries in Ranked Order	18
Table 3	Perception on Most Important Factors Responsible for Corruption in Sierra Leone	22
Table 4	Local Government Bodies.....	58

Currency

The currency in Sierra Leone is leones (Le) and the rate of the leone to the US dollar in January 2005 was around Le 2,860 to one US dollar.

Abbreviations

APC	All People's Congress
AFRC	Armed Forces Revolutionary Council
AGD	Accountant General's Department
ACC	Anti-Corruption Commission
AG	Attorney-General
ACCG	Accountant-General
CFAA	Country Financial Accountability Assessment
CUPP	Citizens United for Peace And Progress
CBSL	Central Bank of Sierra Leone
CBO	Community Based Organisation
CIDA	Canadian International Development Agency
CG	Consultative Group
DPP	Director of Public Prosecution
DCP	Democratic Centre Party
DFID	Department for International Development
DACO	Directorate Development Assistance Coordinating Office
ECOWAS	Economic Community of West African States
ERRC	Economic Rehabilitation and Recovery Credit
EU	European Union
FAWE	Forum for African Women Education
GAP	Grand Alliance Party
GOSL	Government of Sierra Leone
GTZ	German Technical Zone
HPC	Hamburg Ports Consultancy
IAPSO	International Association for Procurement Service Organisation
IG	Inspector-General
IPEP	Inter-Active Policy Formulation Process
IMC	Independent Media Commission
IFES	International Foundation for Electoral System
IMF	International Monetary Fund
INGO	International Non-Governmental Organisation
JAI	Joint African Institute
JP	Justice of the Peace
LOCLA	Lawyers Centre for Human Rights
LCA	Local Government Act 2004
MOP	Movement for Progress
MOF	Ministry of Finance
MP	Member of Parliament

NCDHR	National Commission for Democracy and Human Rights
NRA	National Revenue Authority
NUP	National Unity Party
NDA	National Democratic Alliance
NPRC	National Provisional Ruling Council
NASMOS	National Mobilisation Secretariat
NEC	National Electoral Commission
NGO	Non-Governmental Organisation
NAG	National Accountability Group
NDI	National Democratic Institute
NIS	National Integrity Systems
OAU	Organisation of African Unity
OAG	Office of the Auditor-General
OSIWA	Open Society Institute West Africa
OBE	Order of the British Empire
PR	Proportional Representation
PDP	People's Democratic Party
PLP	People's Liberation Party
PSMS	Public Service Management Support Project
PETS	Public Expenditure Tracking Survey
PSC	Public Service Commission
RUF	Revolutionary United Front
RUFP	Revolutionary United Front Party
RSL	Republic of Sierra Leone
SLPP	Sierra Leone People's Party
SLA	Sierra Leone Army
SAP	Structural Adjustment Programme
SLP	Sierra Leone Police
SLBS	Sierra Leone Broadcasting Service
SLAJ	Sierra Leone Association of Journalists
SLENA	Sierra Leone News Agency
UN	United Nations
UNIDR	United Nations Institute for Disarmament Research
UNDP	United Nations Development Programme
UDP	United Democratic Party
WADR	West African Democracy Radio

Sierra Leone

Executive Summary

The history of post-independent Sierra Leone is the history of the failure of the state to produce expected results geared towards socio-political and economic development, largely due to the destabilising impact of political change and conflict since independence in 1961.

Unlike many African emergent states, Sierra Leone became independent in 1961 with a well-established two-party system, centred on the ruling Sierra Leone People's Party (SLPP), and the opposition All People's Congress (APC). This two-party system drew upon the liberal ideas of Parliamentary institutions and the concept of the rule of law and civil liberties from the country's previous experience as a British Colony. The country's political scene between the years it gained its independence in 1961 and the demise of its first Prime Minister, Sir Milton Margai in 1964, enjoyed legitimate rule through popular support and governmental leadership, committed to efficient management of the resources of the state. In consequence, the unquestioned legitimacy of the first post-independence government and its acceptance as representative of the nation made Sierra Leone the envy of the other newly independent states of Sub-Saharan Africa.

It was hoped that Sierra Leone would be the model for post-colonial Sub-Saharan states. Upon Sir Milton Margai's death in 1964, however, Sierra Leone was cast adrift. The administration of his successor, Sir Albert Margai, was the prelude to authoritarian rule, economic, and social disaster. He was the first prime minister to table a one party Constitution in Parliament, but it was defeated when he lost the 1967 general elections. Subsequently, patterns of political instability through alternation between civilian authoritarianism and military dictatorship became well established in the post-1964 years. Hence, since its independence in 1961, Sierra Leone has only enjoyed four years of democratic rule.

Table 1 Successive Regimes

Year	Party	Leadership
1961–1964	Sierra Leone People's Party	Sir Milton Margai
1964–1967	Sierra Leone People's Party	Albert Margai
1967–1968	National Reformation Council (Military)	Andrew Juxion-Smith
1968–1985	All People's Congress	Dr. Siaka Probyn Stevens
1985–1992	All People's Congress	Dr. Joseph Saidu Momoh
1992–1996	National Provisional Ruling Council	Capt. Valentine E.M. Strasser/Brig. Maada Bio
1996–1997	Sierra Leone People's Party	Dr. Ahmed Tejan Kabbah
1997–1998	Armed Forces Revolutionary Council	Maj. Johnny Paul Koroma
1998 to date	Sierra Leone People's Party	Dr. Ahmed Tejan Kabbah

For decades, the pervasiveness of corruption and the failure to deal with the problem of corruption on the part of successive governments was the order of the day: "specifically some have considered it as a conspiracy against ordinary Sierra Leoneans whereby politicians, members of parastatals and the business community and certain ill-disposed citizens connived and endured compromises of official capacities for personal gains"¹

This state of affairs characterised by rampant corruption contributed most significantly to the 11 years of rebel war between 1991 and 2002. This changed due to the constitutionally elected Sierra Leone People's Party government which came to power in 1996, and negotiated with the rebel Leader, the late Foday Sankoh, at Yamasukro in the Ivory Coast in 1996, and in 1999 in Lome, Togo. The war officially came to an end in 2002, before which period the Disarmament and Demobilisation process had started, when Sierra Leoneans voted for a new democratically elected government under the leadership of President Alhaj Dr. Ahmed Tejan Kabbah. The Presidential and Parliamentary elections were held against the backdrop of the rebel war under the leadership of the Revolutionary United Front (RUF).

At the time of the holding of elections, the war had lasted for five and a half years with disastrous consequences. The war had a significant impact on the socio-economic and political spheres of Sierra Leone society. The atrocities were unimaginable. Over 60,000 citizens were killed and thousands more maimed and traumatised, almost two million people were displaced and thousands more became refugees in neighbouring countries. The rationale given by the RUF for waging the war, among other factors, was that the then APC regime of both Dr. Siaka Stevens, and Dr. Joseph Saidu Momoh, was undemocratic, corrupt, and responsible for the socio-economic problems faced by the people of Sierra Leone.

It was thought that with the holding of elections and the coming to power of the SLPP government of national unity, Sierra Leone would have solved a crucial aspect of its political problem. This was not the case, however. The SLPP government under President Alhaj Dr. Ahmed Tejan Kabbah and the leaders of the main political parties, including traditional rulers, signed an agreement in Abidjan on the 30th November, 1996 with the RUF. Both parties agreed that a just and durable peace was imperative for Sierra Leone and affirmed the urgent need for genuine national unity and reconciliation to end the fratricidal war, foster mutual confidence and trust, convinced that there must be a sense of common purpose and patriotism. The parties were also committed to the advancement of democracy and the maintenance of an impartial socio-political order.

There were many citizens who argued that the Sierra Leone government gave too much to the RUF in the Abidjan Peace Accord. They argued that the successes of the government forces, even the taking over of two major camps of the RUF (Zogoda and Libya), demonstrated that the government troops and the Kamajohs (Civil Defence Forces) were on top of the situation, and that it was only a matter of time before the RUF would become a spent force. Mistrust and suspicion on the part of both government and the RUF characterised the period after the signing of the Abidjan Peace Accord, till that of Lome on 7th July, 1999. The severity of the situation was heightened by the wave of attacks that were in violation of the Accord. It was argued that the attacks were a form of pressure put on the government of Sierra Leone by the RUF to send away the South African Executive Outcome (hired troops from South Africa to complement the efforts of the Sierra Leone government in its bid to defeat the RUF).

Amidst this state of confusion and at a critical period of Sierra Leone's history, a bombshell was dropped. Though not directly committed by the RUF, the handiwork was seen as coming from certain sections of the Sierra Leone Army (SLA). On the 25th May, 1997, seven months after Abidjan, the democratically elected SLPP government of Dr. Ahmed Tejan Kabbah was overthrown by the Armed Forces Revolutionary Council (AFRC). The most significant scenario at the initial stages of the coup was the alliance between the AFRC and the RUF. The RUF was very instrumental in beefing up the forces of the AFRC by sending truckloads of troops to the capital city, Freetown. Many political pundits and observers believed that the alliance between the AFRC and the RUF brought to the open the hidden alliance that had been in existence between a certain section of the SLA and the rebel forces of the RUF. This relationship was even traced as far back as the period that preceded the coup of the NPRC on 29th April, 1992.

The nine months of existence of the AFRC/RUF government witnessed a situation almost likened to that of a state of nature. This was against the background of the presence of the ECOWAS Monitoring Group, ECOMOG. This was a group that was to assist in creating the atmosphere that would be conducive in ensuring the early reinstatement of the legitimate

government of Sierra Leone. The situation was so tense that many in Sierra Leone were forced to become refugees in neighbouring countries, especially the Republic of Guinea. The coup leaders argued that the SLPP Government of President Dr. Ahmed Tejan Kabbah was undemocratic; that the creation of the Kamajohs was aimed at entrenching the SLPP government; that the Army was marginalised; that the press bill was undemocratic; that the SLPP government had failed to implement the Abidjan Peace Accord; that it was tribal, etc.

The majority of Sierra Leone's people argued that the Tejan Kabbah government was legitimate and that the coup was unwarranted. They vehemently criticised the coup for the massive destruction done to life and property. They also argued that there was a peace agreement between the government and the RUF/SL. On the part of the international community, the coup was seen as illegal and was not recognised, therefore, by the UN, OAU, Commonwealth and ECOWAS. The AFRC period of rule was characterised as a period of instability. The democratic forces in Sierra Leone, backed by the International Community, did not allow an inch of space to the AFRC to stabilise its position. Civil society became vibrant. The FM radio 98.1 D became a crucial catalyst for the overthrow of the AFRC/RUF regime nine months after they took power. The AFRC Junta was determined to stay in power despite the Conakry Peace Plan of 26th June, 1997 (which dealt with the cessation of hostilities throughout Sierra Leone, disarmament, demobilisation and reintegration of combatants, commencement of humanitarian assistance, return of refugees and displaced persons, restoration of constitutional government, and broadening the power base, and immunities and guarantees). The Conakry Peace Plan was signed between ECOWAS and the AFRC Junta, but the AFRC failed to implement it. This resulted in the intervention of ECOMOG and the restoration of constitutional order in February 1998.

The restoration of democratic rule did not bring an end to the conflict, but instead, gave breathing space to the RUF/AFRC forces to attempt a comeback 11 months later. This was against the backdrop of efforts made by the SLPP government of national unity to consolidate its power and ensure state security. The period between February 1998 and January 1999 was thus a critical period in Sierra Leone. Sierra Leone was in mortal danger, which almost led to the total collapse of the state. This period witnessed the intensification of the rebel war and the occupation by rebel forces of all the mining areas, while state security became endangered. The government of Sierra Leone was unable to function and had to use its limited finances to conduct the war. Because of the division that characterised the state, the government was unable to bring together a united Sierra Leone that would have enabled it to take control of the situation. The worst day for all Sierra Leoneans came on the 6th January, 1999, when rebel forces, including foreign mercenaries, invaded Freetown causing massive destruction to life and property. This situation occurred even with the presence of ECOMOG forces, which were unable initially to prevent the rebel forces marching into Freetown. Despite assurances given by the then ECOMOG chief of staff and its senior officers, the rebel forces were able to occupy the eastern, central, and some parts of the western area of Freetown. In a counter-attack almost after seven days of rebel occupation and massive destruction of the city, including the killing and chopping of hands of innocent citizens and the burning of their property; ECOMOG forces, including loyal troops, were able to push back the invading forces. Freetown was cleared of rebel forces almost five weeks later. Due to the massive destruction carried out by the rebel forces, which had never occurred before, even after over seven years of fighting, there was a general outcry on the part of the people demanding peace at all costs.

The government and the people of Sierra Leone were shocked by the January 6th invasion. Despite the adoption of a twin-track approach, the government had to call for an unconditional ceasefire, which was signed in Lome on 18th May, 1999. This was against the background of a National Consultative Conference held from 7–9 April 1999, aimed at eliciting the views of civil society from all regions, as well as obtaining a national consensus on how to end almost nine years of conflict and to achieve peace. The consultative conference was organised by the National Commission for Democracy and Human Rights, a Commission established by the National Provisional Ruling Council Decree 15 in 1994. The functions of this Commission include, among others, creating and

sustaining public awareness within society of the principles and objectives of the 1991 Constitution of Sierra Leone. It should also draw the government's attention to limitations in its achievement of true democracy, as a result of the existing inequalities in the population and make recommendations for redressing these inequalities, etc. This Commission came out with some interesting conclusions, after three days of deliberations on the part of civil society in Sierra Leone. In what was a crucial picture of the overwhelming issues facing a failed, post-conflict state, the conference consensus covered such areas as: the ceasefire; civil military relations; the fate of the abductees; the question of amnesty/immunity; the creation of a civil militia; power sharing; the role Parliament should play in the peace process; Foday Sankoh (the RUF leader) and immunity; the involvement of Liberia, Burkina Faso, Ivory Coast and Liberia in the peace process; conditions for the start of negotiations; demobilised combatants; the role of the international community; the role of countries contributing troops; the role of community-based organisations and communities in achieving sustainable peace; the omission or shortcomings of the Abidjan Peace Accord.

Furnished with the consensus of civil society in Sierra Leone and its desire to protect life and property in the country, the government of Sierra Leone entered into negotiations with the RUF in Lome in Togo on the 25th May, 1999. The Lome Talks were carried out under the auspices of the then chairman of ECOWAS, President Gnassingbe Eyadema. The talks were protracted and lasted almost 44 days. Perhaps, if it were not for the pressures exerted by the international community on both sides at the talks, there would have been a breakdown in the Lome Talks. In the end, realism prevailed. Both sides had to make concessions and compromises in the interests of peace. If the Sierra Leone government had insisted on the acceptance of the decision arrived at the Consultative Conference of 7–9 April, the talks would have ended in a fiasco and in disarray. For example, in the area of power sharing, it was decided by the consultative conference that there was to be no power sharing beyond that already in the Abidjan Peace Accord, before the next general election in order to avoid undermining the democratic process.

The power-sharing model as stated in the Abidjan Peace Accord was meant to broaden the political space and accommodate the RUF, in order to give them the opportunity to transform themselves into a political party and thus become part of the democratic process. The Abidjan Peace Accord did not make for any power sharing with respect to the Executive, Legislative and Judicial arms of government. In other words, the Abidjan Peace Accord did not bring about the inclusion of the RUF into government, disarmament, demobilisation and reintegration of combatants, and operation of institutions to facilitate the peace process. In the Lome Accord, however, Part 2 of the agreement addressed the issue of governance, the transformation of the RUF into a political party, enabling members of the RUF to hold public office, to join a broad-based government of national unity through Cabinet appointment. On the part of the RUF, it had certain demands like that of the dissolution of the SLPP government and the formation of a four-year transitional government making their leader Vice President, and allowing the RUF to have eight Cabinet positions.²

Despite initial positions taken by the parties to the Lome talks on reaching a peaceful resolution of the conflict in Sierra Leone, which were diametrically opposed to each other, their respective positions were then reconciled. Thanks to President G. Eyadema, Obasanjo, the British and United States governments, and the international community, and even President Charles Taylor of Liberia; a peace agreement was signed on the 7th July, 1999 in Lome. The Lome Accord which is both a political and legal document has a preamble, 37 articles and a comprehensive document covering socio-economic, security, and political problem areas of Sierra Leone.

It could be argued that the Lome Accord is a challenging document, because most of the areas it covers have been controversial, such as bringing about reconciliation between and among Sierra Leoneans, and bringing to justice those that have been responsible for very serious crimes carried out during the war. The accord, among other things, contains issues like the cessation of hostilities; ceasefire monitoring; governance; the transformation of the RUF into a political party; enabling members of the RUF to hold public office; to join a broad-based government of national unity through Cabinet appointments; a commission

for the consolidation of peace; a commission for the management of strategic mineral resources; national reconstruction and development; a council of elders and religious leaders; pardon and amnesty; review of the Constitution; elections; setting up of a National Electoral Commission; post-conflict military and security issues; transformation of the new mandate of ECOMOG; the new mandate of UNOMSIL, and security guarantees for peace monitors; encampment; disarmament; demobilisation and reintegration; restructuring and training of the Sierra Leone armed forces; humanitarian, human rights and socio-economic issues; release of prisoners and abductees; refugees and displaced persons, implementation of the agreement; moral guarantors and international support and registration and publication.

It has been argued that signing such a comprehensive agreement between parties that have not only been fighting for more than eight years, but also whose relationship has been characterised by mistrust, has been a significant step.

1999–2003

By mid-2003, the Disarmament and Demobilisation process had been completed with the disarming of over 45,000 ex-combatants and training them in various skills. This occurred against the backdrop of the creation of the Truth and Reconciliation Commission. This Commission was established by an Act of Parliament in the year 2000 to ascertain the atrocities committed and to acknowledge the sufferings of the victims, and in deserving cases, to make reparations (though not acting as a Judicial body, or a Special Court, to bring to justice those responsible for very serious crimes carried out during the war).

The object of the Commission is to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone from the beginning of the conflict in 1991 to the signing of the Lome Peace Agreement, to address impunity, to respond to the needs of victims, to promote healing, and reconciliation, and to prevent a repetition of the violations and abuses suffered. This Commission was not meant to be a Court, but the creation of a Special Court was set up specifically to try those who carried the greatest responsibilities of the war. For both the Commission and the Court, Sierra Leone received assistance from the international community, particularly from the United Kingdom and the United States of America.

Since 1996, and especially since the last ceasefire, the government of Sierra Leone, with the support of the donor community, has been developing policies aimed at strengthening institutional capacity in support of the rule of law and economic management, and to ensure simultaneously that transparency and accountability are finally established. The Sierra Leone government has put in place a more decentralised, transparent and proactive system of governance to try to minimise corruption in government and public administration. Under the Economic Rehabilitation and Recovery Credit (ERRC) to foster good governance, the government's priority is to strengthen institutional capacity in support of the rule of law and economic management, and simultaneously ensure that transparency and accountability are firmly established. The government's good governance programme also aims to put in place a more decentralised and public administration. Under the ERRC, the government has made positive strides to use effective fiscal and expenditure control and financial management systems to minimise corruption, by sharpening accountability and reducing the scope for non-transparent budgetary transactions. A financial information system has been installed in the Accountant-General's Department (AGD), with the assistance of the European Union (EU).³

In 2002, the government took a giant step in its fight against corruption by adopting an Anti-Corruption Act. The act contains seven parts which provided for, among other things, the establishment of a Commission, functions of the Commission, what constitutes corrupt practices, powers of investigation, prosecution of offences, and administrative provisions. Further, the current government of Sierra Leone has introduced a number of laws and institutions aimed at ensuring sustainable democratic good governance. These include:

- The Bank of Sierra Leone Act 2000 (Bank Act);
- The Audit Services Act 1997 (Audit Act);

- Income Tax Act 2000 (Tax Act);
- Anti-Corruption Act 2000;
- Independent Media Act 2002;
- The New Revised Civil Service Code 2004;
- The Interim Poverty Reduction Strategy Paper 1-PRSP 2001;
- The National Commission for Social Action Act 2001;
- The National Social Security and Insurance Trust Act 2001;
- The National Recovery Strategy 2002–2003;
- The installation of an independent ombudsman;
- Local Government Act 2004;
- The National Commission for Privatisation Act 2002;
- The National Revenue Authority Act 2002;
- The Government Budgeting and Accountability Act 2004;
- The Human Rights Commission of Sierra Leone Act 2004.

Country Overview

Sierra Leone is a small country on the west coast of Africa, rich in national resources, such as diamonds, gold, iron ore, bauxite, rutile, marine and forest resources, including extensive arable land, etc. However, decades of poor governance characterised by corruption, nepotism, tribalism, regionalism, pervasive injustice, suppression and human rights abuses; resulted in inequitable access to state resources and opportunities. Lack of transparency and accountability made the productive sectors dwindle, which led, in turn, to the collapse of the economy. Sierra Leone, once the economic hub of the West African sub-region, became one of the least developed countries in the world.

Sierra Leone is a unitary state and has a population of over five million people. It became a republic in 1971. According to the Constitution, state power is divided among the three branches of government: the Executive, the Legislature, and the Judiciary. Though these branches of government should be separate in their respective activities, there is usually a fusion of their functions. For example, the Attorney-General and the Minister of Justice have a juridical function, as well as being Cabinet ministers. However, to a very large extent, each branch of government is given the power to act as a check and balance on the other branches.

Sierra Leone has an Executive President, directly elected by the people at intervals of five years. It has had four Presidents since independence (although the first was ceremonial), the current President, Alhaj Dr. Ahmed Tejan Kabbah having been elected on the 14th May, 2002. The President is the Head of State and Government, as well as Commander-in-Chief of the Armed Forces of Sierra Leone. All executive power is vested in him.

The Cabinet consists of the President, Vice President and Cabinet ministers, including three resident ministers representing the south, east, and the northern provinces of Sierra Leone. The Cabinet plays an advisory role. Under the direction of the President, ministers and deputies supervise each government ministry. All ministers are appointed by the President outside of Parliament.

There is a unicameral Legislature with 112 elected members. The Legislature is tasked with making law. Legislation can be proposed by the Executive, the Judiciary, and even civil society. The Legislature also approves the budget and supervises the general operation of the institutions of governance. There are 11 registered political parties, nine of which contested in the Presidential and Parliamentary elections on the 14th May, 2002. Currently, the opposition, the All People's Congress Party, has 27 seats in Parliament. Three parties have representatives in the Parliament of Sierra Leone. These are:

- SLPP – 83 seats
- APC – 27 seats
- PLP – 2 seats

Ministerial policies are implemented by the civil service departments headed by a Permanent Secretary, who is also the controlling officer. The head of the civil service is the President. There are 29 government departments and 44 parastatals. These include: the Defence Force, the Anti-Corruption Commission (ACC), the National Commission for Democracy and Human Rights, National Electoral Commission, and National Policy Advisory Committee (discussed under the Public Sector Management and Civil Service Reform). Government has only been able to identify 24 parastatals for privatisation in a process that still has to begin.

Sierra Leone has a unified police force, headed by the Inspector-General of Police (IG). It is highly centralised. The President appoints the IG, the Commissioner and Assistant Commissioners of Police. The Judicature consists of the Supreme Court of Sierra Leone, the Court of Appeal and the High Court of Justice. The High Court of Justice has jurisdiction in civil and criminal matters and such other original appellate and other jurisdiction as may be conferred upon it by the Constitution or any other law. This jurisdiction also includes

determining any matter relating to industrial and labour disputes and administrative complaints (Section 132 (1) and (2)). The High Court has an establishment of nine judges of which over half are currently filled. There are also local courts, which include magistrate courts, district courts, district appeal courts, coroners' courts, and juvenile courts. The magistrate courts usually perform the functions of both the coroners' and juvenile courts respectively. According to the Local Courts Act 1963 (Section 13 (1-2)), the jurisdiction of local courts includes, among others, the administration of estates of deceased persons governed by customary law, as well as hearing cases governed by customary law. Local courts can also hear and determine all civil cases governed by the general law.

The main TV and radio station in Sierra Leone is the Sierra Leone Broadcasting Service, owned by the Sierra Leone government (there have been moves, however, to privatise it). There are a number of other independent (FM) radio stations whose coverage varies. For example, the FM98.1D radio station is broadcast widely, but does not have national coverage. The government-owned 99.9 radio station is broadcast both internally and internationally. Other radio stations are limited to particular districts, like Sky, Mankneh, and the religious FM station (BBN) 106. There is a proliferation of newspapers in Sierra Leone. For the past two years, the government has operated the *Sierra News*. Despite the fact that around 50 papers are registered, around 18 are regular papers, including the following:

- *Standard Times*
- *The New Citizen*
- *For Di People*
- *Independent Observer*
- *The Democrat*
- *Salone Times*
- *Concord Times*
- *Peep Magazine*
- *Awoko*
- *The Exclusive*
- *New Vision*
- *The Advocate*

Some other newspapers come out on a weekly basis, while the two main political parties also run newspapers, but not on a regular basis.

Recent Political Developments

Sierra Leone's social complexity, like in many African countries, renders any discussion of its problems difficult. Beginning from the 1970s, Sierra Leone has been increasingly caught up in a failed process of socio-economic development and political instability. Three factors came to characterise public life in Sierra Leone: the trivialisation of political power; indifference to moral values rendering corruption a de facto institutionalised tradition, and finally, tribalism.

Sierra Leone's political record became particularly chaotic when the country was transformed into a one party state in 1978. Apart from the author of the one party dictatorship, Siaka Stevens, who ruled for well over 17 years, not even the military in all its ruthlessness has been able to hold on to power indefinitely. Both the NPRC and the AFRC were voted out of office by the powerful will of the people.

If any one factor may be said to have dominated the period from 1978–1996, it was the total degradation of the state. A high rate of illiteracy, widespread health problems, intractable regionalism or tribalism, abuse of human rights, bad governance, drug addiction and prostitution among the youth, a restless military, and the dominance of

entrenched special interests – all of the above characterised an entire catalogue of social ills in Sierra Leone during this period under review.

Democratisation Process

The democratisation process began in earnest in Sierra Leone in 1996, after nearly 30 years of civilian and military authoritarianism. The transition from authoritarian to democratic rule may be traced to the intervention of the young middle cadre of the Sierra Leone Army on the 29th April, 1992. After four years of inefficiency, corruption and ruthlessness, they themselves were forced by the powerful will of the people to abandon their reckless, ostentatious life-styles for the barracks, leaving national politics in the hands of civilians. Hence from 1996, the democratisation process in Sierra Leone was set into motion. All indications were that Sierra Leone's democracy would be successful this time. The Constitution, which was to serve the purpose, had already been drafted as far back as in 1991. In many ways, the Constitution reflected all the features of a liberal democracy. Apart from being the supreme law of the country, it subjected all citizens, from the President to the ordinary man in the street, to its provisions. It established the authority of the national government, and provided for fundamental human rights. It provided elaborate safeguards for a multi-party democracy, free and fair elections, checks and balances, as well as an Independent Electoral Commission, stating:

“Political parties may be established to participate in drafting the political will of the people, to disseminate information on political ideas, and social and economic programmes of a national candidate for Presidential, Parliamentary or Local Government Elections.” (1991 Constitution 35 (1))

This was a sharp departure from the one-party system that had hitherto made the freedom of assembly and association a capital crime. Thus, when the ban on political parties was lifted in 1995 (by the Junta), some 17 political parties flooded Sierra Leone with the euphoria of the freedom of assembly. Many of these parties were of no real political significance beyond that of increasing the personal esteem of their leaders. With time, some of them simply faded away or merged with others that were relatively well organised.

In the elections that followed, the qualification to vote was based on the principle of universal adult suffrage, i.e., all citizens who were 18 years and over had the vote, although this privilege was not extended to felons, lunatics, and foreigners. Since independence in 1961, it must be recalled, the vote in Sierra Leone was cast in single-member constituencies that allocated one member to Parliament. Due to the security situation in the country at the time of the 1996 elections, however, this system was replaced by a system of proportional representation.

Experience with the multi-party electoral system started with the Parliamentary and Presidential elections held on the 26th and 27th February, 1996. Thirteen political parties contested for the 68 seats prescribed for the ordinary Members of Parliament. Twelve additional seats were allocated to Paramount Chiefs representing traditional rulers in the current 80-member Parliament.

Of the 13 political parties that contested the elections, only six were able to secure seats in Parliament: the Sierra Leone People's Party (SLPP) 27; National United People's Party (UNPP) 17; People's Democratic Party (PDP) 12; All People's Congress (APC) 5; National Unity Party (NUP) 4; and the Democratic Centre Party (DCP) 3.

During the Parliamentary and Presidential elections of May 14th, 2002, 11 political parties registered to participate in the elections, including the following:

- All People's Congress Party (APC);
- Sierra Leone People's Party (SLPP);
- People's Liberation Party (PLP);
- Revolutionary United Front Party (RUFFP);

- Grand Alliance Party (GAP);
- United National People's Party (UNPP);
- United Democratic Party (UDP)*;
- Young People's Party (YPP);
- Movement for Progress (MOP);
- Citizens United for Peace and Progress (CUPP);
- National Democratic Alliance (NDA)*.

*Did not participate in the presidential elections.

The May 14th, 2002 elections were also conducted under the system of proportional representation. The whole country was divided into 12 districts and each district was to fill eight seats in Parliament. Following the May 14th, 2002 elections, the new Parliament was comprised of 96 Members of Parliament and 12 Paramount Chiefs. Three central features emerged with striking clarity in this experiment with multi-party democracy: first, the relative orderliness of the elections; second, the increase in the number of female participation in the elections and soon in government; and third, the Presidential election, in particular, was characterised by a peaceful democratic transfer of power.

Certainly, no other country had paid more homage to the virtues of democracy in the past 30 years preceding the 1996 and 2002 elections than Sierra Leone. The reality, however, has yet to be realised. A functional democracy is difficult in a society, where:

- Democratic experience and tradition is so limited;
- The majority of the population is still living at subsistence level;
- The power struggle among the political elites means that little or no account is taken of the desires of the masses;
- Nationalism, which is a prerequisite for democracy, takes second place to tribal and regional interests;
- The struggle for access to political positions and state resources have hardly changed, and finally;
- The legacy of bad governance from the almost 30 years of one-party rule still persists.

All of these influence the endurance of a fragile democratic regime.

Economic Development Issues

The government of Sierra Leone has been making tremendous efforts at redressing the pervasive economic decline and restore macroeconomic stability with support from both bilateral and multilateral institutions. Initially, there was support from the IMF Extended Fund Facility in 1981/82 and a standby arrangement in 1984/85. Because of the Sierra Leone government's inability to meet with agreed targets, these programmes were cancelled. Sierra Leone did not utilise its credits in full. Another IMF Supported Economic Reform Programme was adopted in 1986. This programme focused on the adoption of a market-determined exchange rate, removal of price controls, and the termination of government subsidies. The programme was suspended in 1987, because Sierra Leone had difficulty in meeting the targets, and due to the suspension of external financing.

The government was faced with increasingly serious economic problems, even against the backdrop of the introduction of a National Economic Emergency programme in 1987, which imposed rigid controls on economic activity, including exchange rate control and currency revaluation, rigid controls on currency holding, cross-border trade, and the prices of staple products. These proved unsuccessful, because they were by-passed by the private sector, characterised by business thriving on illegal markets that led to rampant smuggling of essential goods, national resources, and capital flight. The government of Sierra Leone had

no choice but to collaborate with the IMF and the World Bank. A Structural Adjustment Programme for economic reform was ushered in, therefore, in late 1989, covering both stabilisation and structure reforms. These stabilisation reforms included exchange rate and trade liberalisation, deregulation of prices, and an indirect mechanism of monetary controls, as well as prudent fiscal management.

The Structural Adjustment Programme (SAP) recorded initial gains and the economy began to stabilise during the first half of the 1990s. By 1994, the effects of the rebel war hampered the economic recovery programme. Conditionality associated with the Structural Adjustment Programme, such as liberalisation of the market and exchange rate, privatisation of state-owned enterprises, and reduction of public expenditure, were all adopted and implemented against the imperfect backdrop of the war. The Structural Adjustment programme was based on the following:

- Creating and maintaining a stable macro-economic environment;
- Achieving positive growth in per capital income;
- Reducing poverty and protecting valuable groups from the negative consequences of SAP;
- Limiting the role of government in the economy to the provision of basic services;
- Creating an economic environment conducive to private sector management.⁴

Since February 1996, when Sierra Leone once again returned to constitutional rule, the democratically elected government led by the Sierra Leone People's party (SLPP) has, among other things, been gradually adopting legislation aimed at privatisation of state-owned enterprises, liberalisation of trade, and decentralisation of local government administration. In order to develop the private sector, the government of Sierra Leone adopted the Parliamentary Act of 2003, which set up a Commission on Privatisation. The promotion of private sector initiatives in Sierra Leone has been established as a centrepiece of the adjustment programme. In collaboration with the World Bank, there has been reform of the legal and institutional framework for private sector participation. Government has repealed the Industrial Development Act of 1983, which was based on the premise that government should lead in investment and economic growth, with the private sector playing a supportive, but minor role. Government has also embarked on the development of an Inter-Active Policy Formulation Process (IPEP) between the public and the private sector within a programme of action, which, among other things, seeks the building and strengthening of the capacity to sustain good governance practices in support of private sector driven development. The Commission on Privatisation is a collaborative step by the Sierra Leone government and the donor community in Sierra Leone to promote the overall economic reform programme of Sierra Leone. The donor rationale is to ensure that its funds are used judiciously by the receiving state, aimed at development and accountability. The government of Sierra Leone adopted the National Commission for Privatisation Act in 2000 with a view to privatising and reforming public enterprises, of which there are 24. So far, the Commission has only deliberated on the issue, while no public enterprise had been privatised as at February 2004.

Corruption Profile

There are several common corrupt practices in Sierra Leone:

- Bribery;
- Embezzlement and misappropriation;
- Abuse of power;
- Contract gate/fake contracts;
- Under-payment/non-payment of customs with connivance of customs officers;
- Excessive charges for services and necessities;
- Various forms of cheating, hoarding and profiteering;
- Perverting the course of justice.

Most Common Corrupt Practices

According to the Survey Report on National Perception and Attitudes towards Corruption in Sierra Leone 2000, carried out by the National Reform Secretariat, and funded by the UK Department for International Development (DFID), 92.3 percent of respondents considered bribery the most common corrupt practice. Bribery is very rampant in Sierra Leone and may be detected both in government institutions and in the private sector. This means that if you cannot bribe the government office or the head of a banking institution for services that you are supposed to obtain freely as a citizen, you cannot enjoy such services. Government institutions that demand bribes do not maintain the confidence of the people and such institutions are perceived as lacking in integrity.

Table 2 Perceived Corruption – Infected Government Departments/Ministries in Ranked Order

	1st		2nd		3rd		4th		Mean	
	No	%	No	%	No	%	No	%	No	%
Finance	557	27.9	434	21.7	260	13.0	191	9.6	361	18.1
Education	501	25.1	397	19.9	319	16.0	254	12.7	368	18.4
Agriculture	221	14.7	350	23.0	351	17.6	307	15.4	307	15.3
Health	104	5.2	144	7.2	162	8.1	167	8.4	144	7.2
Judiciary	315	15.8	242	1.1	306	15.3	361	18.1	306	15.3
Others	302	15.1	433	21.7	602	30.0	720	36.0	514	25.7
Total	2000	100.0	2000	100.0	2000	100.0	2000	100.0	2000	100.0

Source: Anti-Corruption Survey (Sierra Leone) 2000. National Reform Secretariat, Freetown.

In the survey, the majority of respondents (about 94 percent) indicated that corruption is rampant in most government departments, as indicated above. According to the survey, the perceived level of corruption in quasi government agencies is also high. Participants in the 2000 anti-corruption survey expressed the common view that corruption is so pervasive, that it cannot be said whether government or quasi government agencies are more corrupt. However, some participants believed that corruption is more prevalent in the public than in the private sector.⁵

Petty Corruption

This type of corruption is widespread, small scale and visible. In Sierra Leone, this type of corruption is prevalent in the police, courts, immigration, Income Tax Department, Passports Office, National Registration, Sierra Leone Ports Authority, National Power Authority, Births and Deaths Registration Office and in the military. For example, it is usual for a member of the police to accept a bribe from a taxi driver if he violates the traffic rules. You can obtain a passport officially for Le 40,000 (about £ 11,000), but it could be delayed unless you give more than the official amount – and then you are sure to have it within days. The same applies for customs, where the officer will exploit the ignorance on the part of the customer of the correct tariff. The customs officer will demand, or the customer will suggest, that a bribe be given for the goods or items that are under-valued by the officer, or even not paying any customs duty on the item. This is also the case if members of the public need documentation, be it an identity card, or a birth certificate.

Grand Corruption

Grand corruption is also prevalent in Sierra Leone. Such corrupt practices involve huge sums, ranging from large amounts of money paid for the awarding of contracts, to the misappropriation of public funds. Examples include those from media reports and from cases investigated by the Auditor-General, when preparing the report on the Accounts of Sierra Leone 1996–99, published in Freetown in the year 2000:

- The National Ports Authority has been collecting billions of leones every year from services provided to shipping. When its old forklift broke down, it applied to a World Bank consultant for money from the fund set aside for infrastructural development at the HM Queen Elizabeth Quay. The ports manager applied on 31st January, 2001 and within 24 hours, the consultant approved the release to the ports of the sum of US \$150,000. A day after, a Lebanese supplier submitted an inflated invoice of US \$266,000 for the forklift. Two days later, a down payment was made. The forklift promptly arrived and broke down 72 hours after going into service. It was learnt that it was a used one and not sturdy enough to do the job. The Lebanese supplier received his payment in full, from which kickbacks were then paid.⁶
- In the case of the Sierra Leone State Lottery, President Kabbah dismissed the then management in September 1998, when it came to be known that it had misappropriated public funds, through the payment of inflated salaries and allowances to its top management.⁷
- A Parliamentary Committee on Infrastructure that met on the 24th May, 1991, investigated and reported on the activities of the Sierra Ports Authority under the management of Hamburg Ports Consultancy (HPC). The committee discovered among other things, that the extension and renewal of contracts with HPC was not done through the international biddings process as recommended by the World Bank in the Aide Memoir of the Appraisal Team. Between 1989–1996 US \$12 million had been paid to HPC in contractual obligation excluding expenditures on other short-term consultancies. There were doubts as to whether the government of Sierra Leone, even against the incompetence of the HPC, should have paid such monies. The Committee on Infrastructure which has now ceased to exist also revealed how the then Transport Minister entered into an agreement with HPC to receive an annual bribe of US \$100,000.⁸
- The Customs Department has been involved in corrupt practices. Certain individuals have colluded with traders to avoid paying state customs. In December 2002, revenue totalling Le 170 billion and Le 73 billion respectively was lost to corrupt customs officials. These were bribes accepted on two different occasions by customs officers. This was also exacerbated by their flamboyant lifestyles, totally at variance with their remuneration. Customs officers have been left over the years to amass wealth with reckless

abandon. Some of them own two or three houses in Freetown and import goods into the country without paying customs duty.⁹

- Unclaimed pensions for May, June and July 1997, totalling Le 17,310,731 were not paid back into revenue. Payments to 226 pensioners were considered doubtful. An amount of Le 1,215,825 of unclaimed pensions was not brought to account in June 1999. A total of Le 32,900,000 million was paid to pensioners' purported representatives without relevant authority from such pensioners. Payment totalling Le 15,421,084 was considered questionable.¹⁰
- Between July 1994 and November 1996, special remittances sent to the government's US Mission exceeded US \$2 million. Most of this amount was transferred to other accounts, including accounts of other Missions without justification. Payments totalling US \$140,000 were made for the construction of the Colorado Residence (the Mission location) to sundry persons, some of whom were not in the construction business. Several inexplicable transfers were made to or mainly from the Colorado account. All the buildings owned by the Mission were uninsured. Even though a group health insurance policy was maintained to cover all staff, local staff continued to draw medical allowances totalling US \$1,887. Minor equipment was rented instead of bought. The propriety of paying over US \$14,000 for such rental within six months is not understood. This is a situation in which officials failed to demonstrate financial prudence. They were only interested in making money for themselves, for example, by buying equipment instead of renting it. There were conflicts of interest and most of the money spent was unnecessary.¹¹
- Between April 1996 and September 1998, unclaimed salaries received from principals/headmasters totalling Le 102,774,808 for which general receipts were issued were not accounted for. Furniture and equipment worth Le 114,569,104 bought between May 1996 and October 1997 were not taken on inventory change. The sum of Le 51,487,660 was paid to sundry enterprises within the period February 1997 and October 1997 for goods and services that were not supplied. Sufficient details were not provided in respect of 2306 bags of rice valued at Le 58,136,000 bought and supplied to various educational institutions in August and October 1996. Between January and December 1998, the sum of Le 1,211,131 was paid to various teachers whose names were not on the staff list of their respective schools. The salary of five ministry employees amounting to Le 1,112,943 continued to be signed for and collected, even though the officials concerned had either died or not reported for duty ever since. Contracts were awarded to various contractors in respect of ministry for the supply of educational materials (school uniforms). Copies of the contract agreement drawn up and signed by the various contractors were not submitted for verification (therefore, no accountability as to the money spent on the said items).¹²
- Furniture worth Le 45,884,850 was supplied direct to the headquarters of the Ministry of Health between November and December 1997, without going through the Central Medical Stores. Local purchase orders were prepared in bits to avoid exceeding the Le 5 million ceiling exemption. Failure to strictly enforce the regulation governing payments for cost recovery drugs has given rise to the accumulation of huge arrears against hospitals, health centres, etc., to the tune of Le 432,025,799, as at 7th January, 1999. From May 1997 to March 1998, drugs amounting to Le 43,229,176 were issued without authority to hospitals under the pretext of emergency.¹³
- As at 31st March, 1997, there was a virtual breakdown in the entire financial administration of the National Power Authority. This enterprise registered a loss of Le 8.2 billion in the financial year 1996 and Le 1.9 billion in the financial year 1997. The cumulative loss on 31st March, 1997 stood at Le

13.65 billion. The auditors recommended a complete overhauling of the financial management systems. This very serious situation was again confirmed in a special report on "Internal Controls, Stores and Management Audit" submitted by a firm of auditors in January 2000. It is noted, however, that the services of the senior management of the authority have been terminated and the Board of Directors dissolved.¹⁴

Political Corruption

Political corruption exists in Sierra Leone, characterised by too much political patronage, official security protection for culprits and vested interests/official collaboration, e.g., it has been common practice to appoint party officials to head parastatals.

Causes of Corruption

Among the major causes of corruption in Sierra Leone are:

- **Poor conditions of service (low salaries/wages).** Poor conditions of service, characterised by low salaries and wages over the years, is a contributing factor to corruption in Sierra Leone. Both civil servants and wage earners do not receive salaries and wages that ensure at least an average living standard.
- **Pressures and demands from the extended family members.** As a traditional society, over two-thirds of the population of Sierra Leone is involved with the extended family system, whereby family relations seek the help of other relations, either on a permanent or temporary basis. This has had a significant impact, including on the lives of elites, who, because of limited resources, become corrupt in order to meet their obligations.
- **The absence of deterrent measures to check or deal with cases of corruption.** Despite the activities of the Anti-Corruption Commission, culprits charged with corruption have not been promptly prosecuted or adequately punished. Government has, however, taken measures to ensure the speedy trial of culprits charged with corruption.
- **Bad leadership – political, social and religious.** In some of the spheres of governance, there has been bad leadership, characterised by the failure by those entrusted with responsibility to provide an example of good leadership. This has been attributed to political patronage.
- **High level of poverty.** Sierra Leone is one of the poorest countries and with a very low standard of living, reflected over the years in the United Nations Development Programme Development Index.
- **Greed and selfishness.** Most Sierra Leoneans do not want to share with their fellow citizens. It is usual to see the gap between the life styles of the very rich and the poor.
- **Ignorance (Anti-Corruption Survey 2000).** Most Sierra Leoneans are ignorant of the dangers of corruption and even the need to stamp it out. Corruption is seen as normal and as constituting no danger to society.

Table 3 Perception on Most Important Factors Responsible for Corruption in Sierra Leone

	Factors	No.	%
1	Poverty	725	36.3
2	Low salaries/wages	451	22.6
3	Greed	438	21.9
4	Short-cut to wealth	141	7.1
5	Corruption being innate	91	4.6
6	Others	154	7.7
	Total	2000	100

Source: Anti-Corruption Survey (Sierra Leone) 2000. National Reform Secretariat, Freetown.

In particular, the following areas continue to cause concern:

Tradition/Culture/Ethnic

In Sierra Leone, tradition dictates that traditional rulers are given gifts, be it some amount of money or in kind. This is usually done when one is about to have a meeting with a traditional ruler. This gift is seen as paying homage to tradition. The fact remains, however, that failure to observe such a tradition is frowned upon. Although the practice has become part of traditional culture, it is said to have features of corruption, since at times the observer might obtain certain positive rewards from the receiver, which otherwise would not have been possible. This cultural practice cuts across ethnic and regional boundaries in Sierra Leone.

Political Patronage/Clientelism

An important feature in the history of party politics in Sierra Leone is that of the existence of political patronage and clientelism. Political party campaigns are usually characterised by promises made by party leaders to supporters. Party supporters with financial clout also support party campaign programmes aimed at winning elections or supporting a government to maintain power. The perception is that gaining political power is the surest way to make quick money, either by becoming an official of government or receiving favours from government officials as a party stalwart. There is a tendency for top government jobs, be it in the parastatals or in other areas, government contracts and other benefits being given to party clients by their political patrons. Corruption and mismanagement are rife. These vices became institutionalised in Sierra Leone from the 1970s, when the APC began to make increasing use of the patronage system to reward the party faithful.¹⁵ By 1992, the civil service became highly politicised as workers joined the ruling party. In return for their loyalty, government employees were often shielded and pampered, and allowed to increase the range of their powers and preserve opportunities for self-enrichment.

In Sierra Leone, especially during the APC regime, there was a link between politicians and civil servants involving corrupt practices. This was exposed during the 1992 corruption enquires, such as those conducted by Justice Marcus Jones, Justice Beccles Davis, and Justice Lynton Nylender. These Commissions were set up "to examine the assets and other related matters of all persons who were Presidents, Vice Presidents, Ministers, Ministers of State and Deputy Ministers, within the period of 1st June, 1986 to 22nd September, 1991, and to enquire into and investigate whether such assets were acquired lawfully or unlawfully, supporting the view that administrative and political malfeasance feed upon one another. Civil servants embezzled government funds with the knowledge of equally guilty politicians. Just few months after the democratically elected government was reinstalled by ECOMOG in March 1998, the SLPP government unearthed a Le 800 million loss (equivalent then to US \$470,000) in the Ministry of Finance. Finance minister, Dr.

James Jonah, later attributed this to corrupt civil servants. This was followed by another scam on 17th January 1999, when the sum of 1.2 billion meant for teachers' salaries was allegedly stolen in the ministry, with the connivance of senior police officers. As if that were not enough, in August 1999, the erstwhile Minister of Agriculture and his Director-General were accused of embezzling US \$1.5 million from World Bank resources. Unusually, both were arrested and detained and brought before the law on criminal charges, and were fined and acquitted. Again, in August 1998, billions were squandered on the repair of government quarters allocated to ministers.¹⁶

Corruption and the Private Sector/International Business

The private sector in Sierra Leone is a recent phenomenon. Over the years, the private sector has been narrow and mainly dominated by non-Sierra Leoneans. This has been against the background of government participation in the economic sphere of the country as manifested in its creation of parastatals. The government did little or nothing for over three decades to provide the vital services essential for the private sector to flourish. What the government did was to compete with the private sector, even though the private sector could carry out more efficiently such economic activities.

Corrupt practices exist between government officials and heads of parastatals on the one hand, and between the private sector and government officials on the other. There has been a dismal failure on the part of state enterprises. This is due to the nature of political interference that characterised them, for example, the heads of such enterprises were politically appointed rather than on merit. In the Anti-Corruption Survey 2000 carried out by the National Reform Secretariat, corruption was perceived as prevailing in quasi government departments, such as the Sierra Leone State Lottery (13.5%), the Sierra Leone Ports Authority (12.1%), and the National Power Authority (15.6%). The most common corrupt practices within the business sector include inflated contracts or profiteering (53.3%), and tax evasion (31.8%), as reflected in the survey report. In the Anti-Corruption Survey 2000, the overwhelming majority perceived levels of corruption in Non-Governmental Organisations to be 85.5%. The corruption in this sector includes misappropriation/embezzlement of relief items, official favours, inflated contracts, and bribery.

Drug Trafficking and Money Laundering

In Sierra Leone, drug trafficking and money laundering are recent features in the society. These are activities mainly carried out by foreigners who will do all they can to corrupt officials, so that they turn a blind eye to their illegal activities. Money laundering was captured by the Anti-Corruption Survey as one of the most corrupt practices characterising the banking or financial sector. In the banking/financial sector, the perception of the survey on money laundering is 38.2%, while in the business sector, money laundering constitutes 3.1%. In order to mitigate this money laundering menace, the government of Sierra Leone adopted the Anti-Money Laundering Act 2004, providing a legal framework for combating the laundering of illicit money in Sierra Leone. The Bank of Sierra Leone will work with other institutions aimed at stamping out money laundering: it is envisaged that it will establish a financial intelligence unit at the Bank of Sierra Leone for the expert analysis and processing of the relevant information from the financial sector. The Central Intelligence and Security Unit created by the National Security and Intelligence Act 2002 will be responsible for national security aspects of the offence, with analysis from the Anti-Money Laundering Authority, while the prosecution of the offence will be the responsibility of the Attorney-General and Minister of Justice.

The Anti-Money Laundering Act 2004 is divided into six parts:

- Part one deals with definition of terms.
- Part two deals with the offence of Money Laundering consisting of acts to conceal or disguise the origin of illicit money, with prior knowledge of the illicit origin.

- Part three constitutes the Governor of the Bank of Sierra Leone as the Anti-Money Laundering Authority for Sierra Leone.
- Part four deals with court orders authorised by the Governor, the Director-General of the Central Intelligence Unit, or the Attorney-General, for the freezing of money, business transactions, etc., related to money laundering.
- Part five deals with mutual assistance among countries for the global detection and punishment of money laundering, particularly in an era of globalisation, which has afforded criminals the opportunity to transfer money almost instantaneously across the globe.
- Part six deals with miscellaneous provisions regarding extradition, attempts to aiding and abetting, etc., imposition of a ban by the court and other regulations, and money laundering as an extraditable offence.

Meanwhile, the Anti-Drug Control Agency, responsible to the government, was created in 2004 and funded by UNDP. This was as a result of national concern over drug trafficking and drug abuse. It has 14 members of staff and is headed by a former Inspector of Police, Mr. Kande Bangura. The mission of the agency is to coordinate a national, regional, and international multi-agency effort designed to increase public awareness, research, education, and law enforcement in the control of drug abuse and illicit trafficking. Both drug trafficking and money laundering are external threats to Sierra Leone, and corruption in these areas is on the increase. The reality in Sierra Leone has been an increase in drug trafficking, whereby Sierra Leone is not only used as a trafficking point, but also as a market where dangerous drugs are sold.

Corruption and Anti-Corruption Policies: An Evaluation

Introduction

Since independence, successive regimes in Sierra Leone have blamed one another for failing to put in place the necessary institutions and structures to nip the problem of corruption in the bud, and even becoming a party to it. For decades, the pervasiveness of corruption and the failure to deal with the problem of corruption on the part of successive governments was the order of the day. This state of affairs contributed most significantly to the 11 years of rebel war that started in 1991–2002. This changed in 1996, when Sierra Leoneans voted for a new democratically elected government under the leadership of President Alhaj Dr. Ahmed Tejan Kabbah. Upon assuming power, his government decided to put in motion mechanisms and policies aimed at addressing the root causes of corruption, itself a feature of bad governance. These are indications that government has committed itself to change and good governance, be it in the areas of quality of service delivery, the justice system, or anti-corruption policies, etc. The impact of such government policies cannot be overemphasised, even against the backdrop of a country that is badly in need of stability and development.

Though efforts are underway to decentralise government administration in Sierra Leone, the centralised authority has posed problems of accountability and transparency over the years. This situation was revealed during the Public Expenditure Tracking Survey (PETS).¹⁷ Though Vote Controllers claim to have transferred substantial amounts of budgetary allocation to the regions, even in terms of goods and equipment, there is, however, scanty information available on the level of funds transferred to the regions and districts. The paucity of records of actual transfers in monetary value poses problems for accountability and transparency.

The Effect of Corruption on the Body Politic

Without doubt, corruption has had a profoundly anti-development effect on the body politic of Sierra Leone. The fact that Sierra Leone has features of neo-patrimonialism in the sense of the appropriation of public resources for private ends makes the issue of corruption more problematic. The fight against corruption in Sierra Leone is not a new phenomenon, even if it has not achieved substantial success (attempts at mitigating corruption in the body politic of Sierra Leone can be traced as far back as 1969, when the Beoku-Betts Commission of Enquiry was set up to probe the Sierra Leone Produce Marketing Board). Dr. Siaka Stevens, the first Executive President of the first Republic of Sierra Leone, in a broadcast to the nation on 27th April, 1971, a few days after the attainment of its republican status, devoted part of that broadcast to ministers, MPs, civil servants, public officials and members of the armed forces, setting out certain golden guidelines for the maintenance of probity in public life. He declared:

“They are the servants, and not the masters of the Sierra Leone people. We are all in office not for the sake of our personal ambitions but in order to make this [Sierra Leone] a better country to live in.... We are your representatives. We must devote ourselves to the public welfare, not to promote ... [interest]. We must set an example to the whole nation by living humble lives, leaving the money-making, property owning, big houses and cars to those private businessmen whose ambition is to become rich. We are elected and paid by the ordinary people of Sierra Leone and entrusted with the responsibility of leading them to a better way of life. We must show that we are fit for this responsibility”.¹⁸

Yet it was the regime of Dr. Siaka Stevens (1968–1985) with 25 years of the All People’s Congress Party in power that saw the rise of corruption throughout political life. In the first phase, 1968–85, Sierra Leone was reduced to a one-party system of government in 1978, which resulted in undermining the key tenets of democratic governance. Despite external factors like the oil crisis of the 1970s, the regime was to a very large extent responsible for the economic decline in Sierra Leone. At the initial period of independence, Sierra Leone registered an average real Gross Domestic Product growth of 4.6%, which exceeded significantly the annual average population growth rate of 2.1%, indicating rising living standards. However, by the mid-1970s, economic growth had declined considerably to 1.5% per annum on average and became worse by the early 1980s. This was due to the inappropriate domestic policies of the APC government, characterised by weak short-term development, as well as corruption and lack of transparency and accountability, with a highly centralised public administration.¹⁹ Yet the APC publicly acknowledged that there was corruption in its government without remorse. In the 1970s, Commissions of Enquiry were set up on two occasions during the tenure of Dr. Siaka Stevens to investigate the activities of civil servants and heads of parastatals. Properties were seized, bank accounts frozen and some of the guilty were prohibited from holding public offices for life. It was, however, a facade to placate the public – the frozen bank accounts were reinstated, confiscated properties were returned, and banned officials were reinstated.

The second phase of the APC rule (1985–92) under the leadership of Dr. Joseph Saidu Momoh did little or nothing to change the situation. In April 1992, APC rule came to an end as a result of a coup by the National Provisional Ruling Council (NPRC). The NPRC instituted a Commission of Enquiry to probe the APC administration. These Commissions included: Justice Marcus Jones, Justice Beccles Davies and Justice Lynton Nylander in 1993. The Commissions were set up “to examine the assets and other related matters of all persons who were Presidents, Vice Presidents, Ministers, Ministers of State and Deputy Ministers within the period of 1st June, 1986 to 22nd September, 1991 and to enquire into and investigate whether such assets were acquired lawfully or unlawfully”. These Commissions found Dr. Joseph Saidu Momoh guilty of corruption, as well as some ministers, public servants and directors of parastatals. These Commissions, among other things, recommended the confiscation of property, payment of monies, the removal from official positions, and the banning from holding public office for up to 15 years.

When the Sierra Leone People's Party (SLPP) took over power after the 1996 Parliamentary and Presidential elections, the National Commission for Unity and Reconciliation Act 1996 was adopted by Parliament, aimed at taking a critical look at the petitions from those affected by the decision of the Commissions of Enquiry set up by the NPRC government. The petitions claimed compensation for personal injuries, illegal imprisonment, loss of property and internal distress.²⁰ The stated objectives for which the Commission was established were to create an environment for the development of National Unity, Peace and Reconciliation in Sierra Leone and inter alia "to investigate and report on cases of individual injustices brought to its attention"²¹ Some succeeded in being restored to their original status before the recommendations of the Commission by the Sierra Leone People's Party government, in order to bring about peace and reconciliation.

Since President Dr. Ahmed Tejan Kabbah's government assumed power in 1996 through democratic elections, it has declared war against corruption. On several occasions, the President appealed for a change of attitude on the part of all Sierra Leoneans vis-à-vis corruption. "I have personally committed myself to the continuing fight against corruption at all levels of our society both in the public and private sector. Honourable members, I need your help in this struggle against this enemy of the nation. I entreat you to regard corruption as a national security issue. It is that serious.... We will continue to maintain zero tolerance for corruption."²²

Political, Economic, and Social Effects of Corruption

For almost three decades, Sierra Leone has been characterised by bad governance which has manifested itself in the absence, among other things, of the massive participation of Sierra Leoneans in the decision-making process, no respect for the rule of law and human rights, no accountability and transparency, high incidence of corruption and mismanagement of the economy, failure on the part of regimes in Sierra Leone (1968–1992, 1992–1996) to ensure basic human needs for Sierra Leoneans, a highly centralised government administration, a corrupt civil service, judiciary and police, and political instability as a result of monopolisation of political power and conflict.

The fact that institutions and structures of governance in Sierra Leone have been weak has created an environment conducive to the thriving of corruption. This situation underscores the relationship between bad governance and corruption. The political ruling class did little or nothing to bring about the practice of good governance. This situation was characteristic of APC rule. Party supporters were rewarded with responsible positions in the civil service and parastatals, irrespective of their qualifications. Mismanagement and misappropriation of public resources became rampant and were even condoned. Salaries ceased to be important, as people with access to government coffers embezzled to pay themselves on the job with impunity.²³ The APC government did not make any attempts to set up anti-corruption institutions. Siaka Stevens openly supported corruption as he himself acquired a grant of wealth. He is quoted as having said that "usai you tai kan, na dae I dae it" (meaning: "a cow grazes where it is tethered"). This expression more or less gave a free hand to all those who had access to public money to steal as they liked. Funds allocated for general development invariably found their way into the pockets of private individuals.²⁴

From 1981, the political elites of Sierra Leone – ministers of government and public officials – were implicated in a series of financial scandals dubbed "Voucher Gate, Million Gate and Squander Gate". This was a phenomenon of the late 1970s to the early 1980s. In the Voucher Gate scandal, officials in the financial departments of government ministries, including the Treasury, prepared fake vouchers for payment to certain contractors for not doing any work which they could be paid for. The quantum of vouchers was so massive, that it was dubbed Voucher Gate by the press when unearthed by a government minister in the Ministry of Finance. In the case of the Million Gate scandal, millions of leones were embezzled from the Treasury by certain government officials. Similarly, huge amounts of money from the Treasury were squandered by certain government officials, which came to be known as the Squander Gate scandal, but little attempt was made to punish these offenders. Successive regimes also tolerated a high degree of corruption. Transparency and accountability vanished from the public administration system²⁵, as people who

competed eagerly for political and top civil service positions did so to line their pockets with corrupt money, instead of seeking the welfare of the people of Sierra Leone.

The political and economic effects of corruption in Sierra Leone can also be seen in the decline in real per capita incomes, persistent inflation, a widening budget and balance of payment deficits, and declining official production and exports. Sierra Leone has been unable to derive the full benefits from its enormous mineral and marine resources, because of corruption and mismanagement, especially the trade in diamonds which has been exposed to rampant smuggling and other related illegal activities. Corruption stands out prominently as a crucial factor responsible for the weakening of the financial base of the government of Sierra Leone. Over the years, government has not been able to mobilise the needed revenue to ensure development. This has caused Sierra Leone's budgetary deficit, characterised by government's inability to raise adequate revenue to finance its expenditures, especially its public services. The budget deficit increased from its extremely low level in 1970/71 to about 10% in 1990/91, and continued to increase in real terms, due to weak fiscal management, corruption, and wasteful spending.²⁶ Government's inability to mobilise its revenue has been due to the fact that its institutions and structures over the years (moves are now underway to improve the situation) have not only been weak, but also highly corrupt, including government ministries and departments, and parastatals.

Corruption has also led to massive neglect of the social sector, which has substantially decreased the quality of human resources in Sierra Leone. The ruling class did little or nothing to provide, among others, educational and health opportunities, thus impacting negatively on quality of life, labour, productivity, incomes, innovativeness, competitiveness, and poverty reduction. The gravity of the situation was depicted by the action of the United Nations rating of Sierra Leone as the least developed and poorest country in the world on the basis of its appalling socio-economic statistics and near collapsed infrastructures. Its population is characterised, among other factors, by high levels of illiteracy, infant/under five and maternal mortality rates, low life expectancy at birth, poor access to safe drinking water, sanitation and health services, and high levels of unemployment and under-employment.

In the Auditor-General's Report on the Accounts of Sierra Leone 1996–1999 issued in September 2000, almost all government ministries, departments and parastatals were characterised by theft, fraud, and other serious irregularities. Such a situation no doubt will become a recipe for poverty and under-development. This led to the erosion of the legitimacy of the All People's Congress (APC) government 1968–1992. A critical assessment of this regime shows that, among other things, it made wrong decisions, encouraged patronage and client relationships, and allowed government officials to collaborate with businessmen to defraud the state of Sierra Leone, by evading taxes and bribing officials.

Over the years, high levels of corruption in Sierra Leone led to the erosion of donor credibility regarding the state. There have been instances in which donors have been critical about whether government performance in handling corruption in Sierra Leone has been adequate. This has been against the backdrop of scandals and alleged corrupt practices of government ministers and public servants, who were not prosecuted. In this regard, it was even alleged that the resignation of the then Deputy Anti-Corruption Commissioner, Brendan Gribb-Gray, in 2000 was due to frustration over the non-pursuance of alleged corrupt practices of top government officials.

The National Integrity System

Executive

According to Chapter 5, Part 1 of the 1991 Constitution of Sierra Leone, the head of the executive arm of the Sierra Leone government is the President. The Constitution vests all executive power in the President. He is the Head of State, the Supreme Executive Authority of the Republic and Commander-in-Chief of the Armed Forces. The President is the foundation of Honour and Justice and the symbol of National Unity and Sovereignty. He is the guardian of the Constitution and guarantor of national independent and territorial integrity, and also ensures the respect for treaties and international agreements. He is responsible for:

- All constitutional matters concerning legislation;
- Relations with foreign states;
- The reception of envoys accredited to Sierra Leone and the appointment of principal representatives of Sierra Leone abroad;
- The executive of treaties, agreements or conventions in the name of Sierra Leone;
- The exercise of the Prerogative of Mercy;
- The grant of honours and awards;
- The declaration of war; and
- Such matters as may be referred to the President by Parliament.

The President has the power to appoint persons qualified to hold such positions as that of Attorney-General, Solicitor-General, Director of Public Prosecution, Secretary to the President, Secretary to the Cabinet, the Chief Justice, any Justice of the Supreme Court, Auditor-General, sole Commissioner or Chairman and other members of any Commission established by the Sierra Leone Constitution; Chairman and other members of the governing body, or any corporation established by an Act of Parliament, a statutory instrument, or out of public funds, subject to the approval of Parliament.

According to Section 71, the President is also responsible for appointing certain offices abroad and offices of Permanent Secretaries, the Governor of the Bank of Sierra Leone, and other members of the governing body of any state bank or financial institutions.

The President of Sierra Leone is elected by popular vote, but no person may stand as a candidate in a Presidential election if he is not a candidate nominated by a political party. President Kabbah is on the party ticket of the Sierra Leone People's Party.

The President of Sierra Leone, if found guilty of gross misconduct, incompatible to the Office of President, can be duly removed, according to Section 51 (1) of the 1991 Constitution. The process for removing the President from office requires a written motion to the Speaker and has to be signed by not less than half of the Members of Parliament. The allegations are to be discussed by a tribunal, consisting of a Justice of the Supreme Court. If the allegations against the President are substantiated, and two thirds of the entire membership of Parliament support a motion to the effect that the President is guilty; he shall then cease to hold office and a vacancy shall be declared.

The provision for the impeachment of a President, if the Constitution has been violated or he has engaged in certain activities inimical to good governance, is aimed at limiting Presidential power from abuse. Since independence, the Parliament of Sierra Leone has never set forth a motion for the impeachment of its Head of State. This is understandable, as before 1996, Parliament lacked independence to a large extent, because of the

existence of a one-party system of government. Both the President and the Parliamentary representatives are now elected separately by the people, unlike the previous Parliamentary system where the party with the majority formed the government.

The 1991 Constitution, which became effective on 29th March, 1996, fashioned a form of representative democracy combining elements of the Presidential and Parliamentary systems. The 1991 Constitution of Sierra Leone is a radical departure from the 1978 Constitution, which required the President to appoint his ministers from Parliament. The present Constitution provides that no MP shall be appointed minister or deputy minister (56 (1)). This presupposes that an appointed minister must not be someone who contested and lost as a candidate in the general elections immediately preceding his nomination for appointment (56 (2)(b)). All ministers and deputies are appointed by the President. Executive power is vested in the President, who is directly voted for by the people, and members of his Cabinet are drawn from outside Parliament. Sierra Leone does not have a Prime Minister; President Kabbah occupies the position of Executive President in accordance with the Constitution of Sierra Leone.

A minister could be called upon to answer Parliamentary questions, or to explain certain issues pertaining to his or her ministry. According to the 1991 Constitution, the functions of the President within the separation of powers principle, has the effect of limiting his powers of political negotiation. In the new political dispensation, Parliament is a formidable group with its own prerogative, powers, and principles, operating quite independently from the President according to the 1991 Constitution. For instance, whatever government wants to do, such as obtaining money to carry out its functions or appointments to higher offices, including ministers, ambassadors, directors of parastatals, must, according to Section 114 (1-4) of the Constitution of Sierra Leone, receive approval from Parliament before such decisions can take effect.

Cabinet

Section 59 (1) of the Sierra Leone Constitution provides for the establishment of a Cabinet whose functions shall be to advise the President in the governance of Sierra Leone. The Cabinet consists of the President, the Vice President and such ministers as the President may from time to time appoint. In the exercise of his functions, the President may act in accordance with the advice of the Cabinet or a minister acting under the general authority of the Cabinet except in the case where, according to the 1991 Constitution or any other law, he is required to act with the approval of Parliament, or in accordance with the advice of any person or authority other than Cabinet. There are 31 ministers in the Cabinet of Sierra Leone. The President appoints all his ministers outside Parliament. The Constitution stipulates that a person shall not be appointed a minister or deputy minister unless:

- He is qualified to be elected as a Member of Parliament; and
- He has not contested and lost as a candidate in the general election immediately preceding his nomination for appointment; and
- His nomination is approved by Parliament.

In order to avoid corruption and also ensure that public and private interests do not conflict with one another, a minister or deputy minister shall not be subject to any conflicts of interest: Section 50 (5) of the 1991 Constitution states that a minister or deputy minister shall not, while he continues in office, hold any other office or profit or enrolment, whether by way of allowance or otherwise, whether private or public, either directly or indirectly, as a manager of an establishment, notwithstanding the fact that he can have a management serve on his behalf.

There are ministries in Sierra Leone, each under the supervision of a minister and deputy minister. A resident minister is appointed to each of the provinces in Sierra Leone, North, South and East. While ministers and their deputies are in charge of their respective ministries, the actual administration of these ministries and departments is carried out by the departmental head of each ministry.

There is no constitutional provision in the Constitution of Sierra Leone that requires the President and his ministers to declare their assets and liabilities, and make them available for public inspection. The practice, however, is that when an individual is appointed by the President as minister and deputy minister respectively, one of the requirements by Parliament is the declaration of assets and liabilities of the said prospective ministers, deputies, and top government officials. Presidential nominees, usually by appointment, and public servants, face Parliamentary Committees, which assess the person in question as to his or her past record in terms of qualification and credibility. The nominee has to declare his or her assets, both moveable and unmovable, bank balance, police and income tax clearance, and submit a CV. These must be compiled into 17 sets. The committee is comprised of members of both the governing party and the opposition.

If a nominee is found not to be credible, or fails to declare properly his or assets, or fails to produce a tax clearance; approval is usually denied. There were cases of the Parliament Committee rejecting the appointment of certain individuals as ministers following the 1996 Parliamentary and Presidential elections.

Currently, this is what happens where appointments are made by the President for someone to become a minister or deputy, head of parastatal, a member of the board of directors, or any other public office that must be filled by a Presidential nominee. Nominees have to face the Appointment Committee of the Parliament Commission, which is the only body that can confirm Presidential nominations to serve in various parastatals and commissions.

There is no legislation, however, that specifically deals with interest rules for ministers, deputy ministers, top government officials, and civil servants in general. In this regard, the ACC has recommended the inclusion of a conflict of interest clause into the Anti-Corruption Act, to ensure that civil servants do not use their public position to influence the purchase by government ministries and departments of goods and services from firms in which they have financial interests. This is against the background that procurement constitutes a substantial part of government expenditure, which makes it a critical function of government's performance. The fact that the government budget is highly dependent on external aid flows makes procurement reform a crucial factor.²⁷ An additional safeguard is the requirement of all public officials to maintain and complete a personal assets register.²⁸ It is an issue the President himself has addressed:

"The absence of Interest Rules for Ministers and Top Government Officials has been causing the Government of Sierra Leone an estimated amount of \$30 to 40 million per annum. You will recall that in my last address to Parliament I spoke of the need to reform and ultimately decentralise our procurement system which traditionally was riddled with corrupt practices, causing leakages of public funds. We have advanced significantly in that direction, we are grateful for the technical assistance from the UNDP which has conducted a review of that system. This review showed that we lose billions of leones each year through improper and inefficient procurement practices. It is estimated that this year 2003 alone we could lose about Le 70 billion. The Procurement Reform Steering Committee, which includes our donor partners and is chaired by the Honourable Vice President, now has the responsibility to ensure that a new and decentralised system is instituted".²⁹

In Sierra Leone, public officials (according to the Anti-Corruption Act 2000), including the Office of the President, Vice President, Ministers, Deputy Minister, Attorney-General and Minister of Justice, Members of Parliament, Magistrates, Judges of the Superior Court of the Judicature, and Offices in the Armed Forces, the Police Force, a Public Corporation or on the Board thereof, the Local authority, any Commission or Committee established by or under the Constitution, or by or under any law, or by the government, are prohibited from accepting any form of advantage or gift in connection with their official duties. The President's special permission is required for a gift to be accepted. His permission is deemed to be granted in relation to the acceptance of a gift of customary nature by Paramount Chiefs and recognised as appropriate by custom. Both the President and ministers are held accountable by Parliament. They could be invited to answer queries or explain the way and manner they carry out their responsibilities and duties. They do not

attend Committee meetings, but could be summoned by any Parliamentary Committee, when there is need to do so. There are no rules yet that govern post-ministerial and post-public service employment.

Legislature

According to the 1991 Constitution, Parliament is the supreme law-making body of the state, and the principal agent for the enforcement of democracy. In other words, it is the arbiter between the Executive and the people, to ensure democratic accountability and transparency. In this sense, it could be said to be the first branch of government. The principal characteristics of Parliament are as follows:

- It is representative. It comprises 96 ordinary members and 12 Paramount Chiefs representing the country's 12 districts, plus a Speaker and Deputy Speaker elected by the 108-member Parliament.
- It is organised, but not effective. Though with some amount of party indiscipline, it does not represent a united challenge to government, since the present Parliament is dominated by the SLPP. The present Parliament also complements the Executive, since the governing party, the Sierra Leone People's Party, has 84 Members of Parliament as opposed to 27 from the opposition, thereby giving the Sierra Leone People's Party an edge over the opposition All People's Congress and the People's Liberation Party, even in terms of adopting legislation coming from them.
- The SLPP is assured at all times of a majority when it wants to pass a bill in Parliament.

In the Sierra Leone Parliament there is a structure of Parliamentary Committees. Parliament has 33 committees, five of which are specialised committees. These are: the Committee of Selection, Standing Orders Committee, Public Petition Committee, House Committee, and Business Committee. The other 28 committees include the following:

- **Public Accounts Committee.** The Public Accounts Committee is responsible to ensure the judicious use of state finances. Government ministries and departments could be requested by this committee to give a full account as to how government finances have been disbursed at a given period. It is also responsible for the annual financial report submitted by the Auditor-General on the budget from the Ministry of Finance.
- **Committee on Appointment and the Public Service.** This committee is responsible for interviewing any appointments made by the President, for example, ministerial positions, heads of parastatals, commissions, etc.³⁰
- **Transparency Committee.** The Transparency Committee is one of the committees of Parliament. It looks into matters dealing with corruption and acts as an oversight body or form of scrutiny of the government on issues brought before it by Parliament.

National Budget

A crucial role performed by Parliament is in the area of the raising and spending of public funds (Section 110 (1), Section 112 (1), 113, 114 (1) of the Sierra Leone Constitution). According to Section 112 (1) of the Constitution and subject to Section 107, the minister responsible for finance shall prepare and lay before Parliament in each financial year estimates of the revenues and expenditures for the next following financial year under an Appropriation Bill. There are certain categories of public expenditure regarding salaries and allowances that shall be paid to the holders without legislature approval by Parliament, but may be prescribed by or under any law. These include the Offices of the President, Vice President, Attorney-General and Minister of Justice, Ministers, Deputy Ministers, the Chief Justice of the Supreme Court, the Director of Public Prosecutions, the Chairman and

Members of the Electoral Commission, the Chairman and Members of the Public Service Commission and the Auditor-General. Under Section 115 (4), loans require legislature approval. In 2003, donor funds accounted for 85% of the National Budget.

Rules Concerning Gifts and Hospitality

In Sierra Leone, public officials, including MPs, are prohibited by law from accepting any form of advantage or gift in connection with their official duties. Special permission is required from the President for a gift to be accepted. His permission is deemed to be granted in relation to the acceptance of a gift of customary nature by Paramount Chiefs and recognised as appropriate by custom.³¹

There are no specific rules that govern gifts and hospitality for both parliamentarians and ministers. There is no gifts register.³² Politicians and others in public positions have been urged by officials of the ACC to introduce systems and procedures that will aid transparency and provide an audit trail, which will enable public servants to regain the trust and confidence of the people of Sierra Leone.³³

Political Parties

Sierra Leone has 11 registered political parties, most of which exist only on paper. The major parties include the ruling Sierra Leone People's Party (SLPP) and the All People's Congress Party (APC). Eleven political parties registered to participate in the May 14th, 2002 Parliamentary and Presidential elections. Political parties are registered under and are regulated by the Political Parties Act 2002. Under this act³⁴, the Administrator and Registrar-General are responsible to the Political Parties Registration Commission, which consists of a Chairman with three other members appointed by the President. These include the Chief Electoral Commissioner, a Legal Practitioner nominated by the Bar Association, and a member nominated by the Sierra Leone Labour Congress. Members of this Commission, other than the Chief Electoral Commissioner, are appointed by the President, subject to the approval of Parliament. The Registrar-General is responsible for the receiving and processing of applications for the registration of political parties for the consideration and decision of the Commission; the verification of particulars of political parties submitted either with an application for registration, or periodically, or with the declaration of assets under this act. Pursuant to Subsection (5) of Section 35 of the Constitution, the Commission shall refuse to register as a political party any association by whatever name it is called, if the Commission is satisfied that the membership or leadership of the association is restricted to members of any particular tribal, ethnic group, or religious faith; or includes a non-citizen, or a person prohibited from membership or leadership of a political party under the Constitution or this act.

There are rules on political party funding and laws that compel political parties to publish their accounts, disclosing their source of funding. Every political party, following the issuing of a final certificate of registration under Section 12, submits to the Commission a written declaration, giving details of all its assets and expenditure, including all constitutions, donations, or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the party by its founding members in respect of the first years of its existence. They shall be audited no later than three months after the end of each year by an auditor referred to in Subsection (3) of Section 20 of the Political Parties Act 2002, and an audited copy is to be filed by the political party with the Commission within the period of three months after the year. This is meant to be an annual process. According to Section 118 (b) of the Electoral Laws Act 2002, no candidate or political party shall abuse or engage in the improper use of government property for political propaganda purposes during the election campaign period. Furthermore, the regulations prohibit interference with lawful public meetings; prevention of election by force, violence or threats, and use of bribery. While the High Court can invalidate Parliamentary election results on account of corruption by the winner or his agents, the Supreme Court can invalidate Parliamentary election results, when the issue touches upon the Constitution, by declaring the said election null and void, and calling for a by-election.

According to Section 19 (1) of the Political Parties Act 2002, the source of funding of a political party shall be limited to contributions or donations, whether in cash or in kind, from registered voters in Sierra Leone. According to Section 19 (2), the Political Parties Registration Commission may provide limitation as to the amount of contribution or donation to a political party. Section 20 (1) requests all registered political parties to submit to the Commission a written declaration, giving details of all assets and expenditure, including all contributions, donations, or pledges of contributions or donations. The declaration must also state the source of all funds and other assets of the political party or representatives. Section 20 (4) requests political parties to declare their incomes, assets, and liabilities together with their audited accounts. The declaration of accounts is published as a Government Notice by the Commission. The sources of political party funding is only limited to contributions or donations, whether in cash or in kind, on the part of persons who are entitled to be registered as voters in Sierra Leone, according to the Political Parties Act 2002.

In practice, however, proper monitoring has not been carried out on party expenditure. Political parties in Sierra Leone are also generally weak. Most of them are identified with a particular personality, rather than an ideology. There is no fundamental ideological difference between political parties in Sierra Leone. Defections usually come from the opposition party to the ruling party. This situation has characterised party politics in Sierra Leone for decades and mainly for selfish interests. This tendency is against the backdrop that it is the ruling party that offers greater opportunities, such as jobs, contracts, and other perks, which are usually beyond the reach of opposition parties. Most of the parties do not practice internal democracy and are characterised by bad governance, manifested by a high degree of intolerance between and among party membership. Some parties do not hold conventions to elect their leadership. They usually organise themselves informally, particularly when general elections are about to take place, after which the whole party structure collapses.

The opposition parties often fail to work together, even in the furtherance of their common interests. For instance, a 'Grand Alliance' was formed by some opposition parties in the wake of the May 14th, 2002 elections in Sierra Leone. Though the major objective was to defeat the Sierra Leone People's Party, the main opposition parties did not join the Grand Alliance. The result was a major defeat of the opposition contributing to their weakness in Parliament. Important contributing factors to the weakness of political parties are, among other things, the following:

- Lack of adequate funds and resources;
- Inadequate and weak structures;
- Poverty of political supporters;
- Tribalism and regionalism;
- Lack of ideology.

Parties and Voters

The experiment with multi-party democracy in Sierra Leone no doubt widened the base for political participation. Unlike in the past, however, the main tendency of political parties is perhaps the dominance of tribal or regional considerations over national issues. The majority of national voters usually think tribally or regionally first before ideological considerations. The results of the May 14th, 2002 elections manifested that voting behaviour in Sierra Leone has not changed significantly. Both the 1996 and 2002 elections were characterised mainly by the usual tendency of the electorate to be divided into regions. Hence, as in the past, voters' opinions on issues affecting the state do not illuminate electoral behaviour. Despite the electoral system for both the 1996 and 2002 elections, using the Proportional Representation system, the May 14th, 2002 Parliamentary and Presidential elections depicted a voting pattern in which the majority of the South-Easterners voted for the dominant party of that area – the Sierra Leone People's Party, which won all the seats in the South-Eastern part of Sierra Leone. In the May 14th, 2002 elections, 1,907,445 people voted out of an estimated 2.3 million eligible voters registered.

This represents over 82% of eligible voters. It constituted also a significant increase of over 1.5 million who registered in 1996, thus a significant enfranchisement of Sierra Leoneans. It also augurs well for the accountability of elected leaders to their people. Reasons for the high number of registered voters include: the increase in awareness of Sierra Leoneans to take part in elections even at a critical moment of the politics in Sierra Leone, particularly at the end of the 11 years of rebel war; the extension of the period for voter registration to 54 days, which gave ample time to the people; and the introduction of many registration centres at regional and district levels.

The level of voter turnout was very high during the May 14th, 2002 Parliamentary and Presidential elections, characterised by political party agents playing an essential role in the integrity of the whole electioneering process. There was the presence of representatives from several parties in many polling stations, which encouraged transparency and helped to enhance voter confidence.³⁵ Further, they were observed by several observers, including three leading international observer groups and the Carter Center. The others included ECOWAS, the African Union, and domestic observers such as the National Election Watch, which was the umbrella organisation of all domestic observers. The EU made a huge financial contribution to the conduct of the elections; it sent 90 observers who were deployed in all districts within Sierra Leone.

National Electoral Commission

Section 32 (1) of the Constitution provides for the creation of an independent National Electoral Commission. It is responsible for the conduct and supervision of the registration of voters for all public election and referenda and for that purpose has power to make regulations by statutory instrument for the registration of voters, the conduct of Presidential, Parliamentary or Local Government elections and referenda, and other matters connected therewith, including regulations for voting by proxy. The registration of voters is conducted between 9–12 months preceding the Presidential and Parliamentary elections, once every five years. To be eligible for registration as a voter, one must be a citizen of Sierra Leone, 18 years of age and above, of sound mind, and possess a National Registration card for voters.

The Commission comprises a Chief Electoral Commissioner who is the chairman and four others who are the Electoral Commissioners representing each of the four districts in Sierra Leone – Western Area, Southern Province, Eastern Province and Northern Province. Members of the Commission are appointed by the President after consultation with the leaders of all registered political parties and subject to the approval of Parliament. They serve periods of five years. A member of the Electoral Commission may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour, Section 32 (8)). No person shall be appointed Commissioner if he/she is not qualified to be elected as a Member of Parliament, or if he/she is a Minister, Deputy minister, a Member of Parliament, or a Public Officer, or if he/she has attained the age of 65 years.

Despite the fact that the NEC is funded by government, it enjoys autonomy. The past two general elections, i.e., in 1996 and 2002, were highly funded by the international community, including: DFID, USA, China and IFES. DFID and the USA through IFES sponsored the sensitisation programme and the provision of the voting materials, e.g., ballot papers and also the provision of vehicles. China provided some bicycles. The current Commission also enjoys the relative confidence of all stakeholders. Despite the view on the part of stakeholders that the elections conducted on May 14th, 2002 were not free and fair, it was generally accepted, even by the International Observers and the rest of the international community, that the elections were free and fair and characterised by the absence of violence.

Auditor-General (AG)

The Office of the Auditor-General is created under Section 119 (1) of the Constitution. The President, subject to approval by Parliament appoints the Auditor-General, but no qualifications are laid down for this position. The supporting staff members are civil servants recruited by the Public Service Commission. Section 119 (b) of the Constitution guarantees the independence of the AG by providing that in the exercise of his or her functions, the AG shall not be subject to the direction or control of any other person or authority. His security of tenure is guaranteed by Section 119 (10) of the Constitution, which provides for retirement of the AG at the age of 65. The AG cannot be removed from office except if he or she is incapable of performing the functions of his office, whether arising from infirmity of body or mind or for stated misconduct – Section 137 (4) of the Constitution. With the approval of Parliament, the President can dismiss the AG with the recommendation of the Judicial and Legal Service Commission (through a tribunal consisting of a chairman and two other members).

It is the duty of the AG to:

- Audit and report to Parliament the public accounts of Sierra Leone and of all public offices, including courts, the accounts of the central and local government administrators of universities and public institutions of like nature, any statutory corporation, company, or other body or organisation established by an Act of Parliament of statutory instrument or otherwise, set up partly or wholly out of public funds.
- Have access to all books, records, returns, and other documents relating or relevant to those accounts for the purpose of auditing.
- All public accounts of Sierra Leone and of all other persons or authorities shall be kept in such form as approved by the AG.
- The AG shall within twelve months of the year, submit his report to Parliament, drawing attention to any irregularities in the accounts audited and to any other matter, which in the opinion of the AG ought to be brought to the notice of Parliament.

Parliament is intended to debate the AG's reports. Unfortunately, audit reports are always late, sometimes by several years. Some institutions have not been audited for ten years.³⁶ The reports of the AG usually have no significance because of the delay. Those that might have misused public funds would have died, retired, resigned, or been transferred to other departments.

In its latest report of 15th September, 2002 on the accounts for the year ended 1996–99, the AG noted these constraints. The Office of the AG (OAG) faces many constraints, because of the lack of adequate resources. First, the activities of the AG have been generally hampered by the rebel war, which forced the department to close down its operations in certain provincial towns like Makeni in the North, responsible for auditing all central and local government institutions in the entire Northern Province, the largest province in Sierra Leone. Second, accommodation and manpower still remain one of the greatest problems of the OAG. Third, the office has been affected by brain drain, bordering on poor conditions of service. The situation is compounded by the fact that office staff of the AG is very limited. There are two establishments in the Auditor-General's Office, made up of administrative and professional staff. Currently, there are 71 members of staff, but with the recent arrangements put in place staff strength will be increased to 171. Fourth, the Office of the AG lacks functional independence, even against the provisions of the Constitution. Although the AG himself is independent, the rest of staff members are not, since they are part of the civil service and do not owe their loyalty, therefore, to the AG. Staff is employed, promoted, upgraded, and disciplined by the Public Service Commission, which also determines their conditions of service. Fifth, the AG can only make recommendations: there is a lack of proper accounting on the part of other departments, characterised by incompleteness of records, causing much deviation from the normal accounting format as required by law. Finally, those found guilty of misuse, misapplication

or embezzlement of public funds cannot be sanctioned by the OAG. It can only make recommendations to authorities, such as Parliament and the Anti-Corruption Commission (ACC), for necessary action to be taken. Over the years, Audit Reports have not contributed to the fight against corruption.

The report on the Country's Financial Accountability Assessment (CFAA) – an Assessment of the Central Government³⁷, the summary overview of the financial management structure and operation in the Republic of Sierra Leone – highlighted some of the challenges facing the Office of the Auditor-General in Sierra Leone. Having an effective Auditor-General function is an important asset in Sierra Leone to assuring public accountability, especially in light of the very weak role of Parliamentary oversight as a result of the '96 Decree', which is a specific institutional issue unique to Sierra Leone. Since the establishment of a new Constitution in 1991, the Republic of Sierra Leone has promulgated a series of laws and regulations to support the overall financial management and control operations of the country. Perhaps the most significant law for its impact on financial accountability arrangements has been the 1996 Decree of the National Provisional Ruling Council (NPRC). This amendment to the Public Budgeting and Accounting Act of 1992 resulted in a strengthening of the role of the Executive in the execution and monitoring of the budget. It also had the effect of diminishing the oversight roles of both Parliament and the OAG. Decree 96 impacted accountability arrangements by: permitting the Executive to authorise expenditures, as it deems fit through the supplementary budget provision; permitting the Executive to exceed the limit of that expenditure through the excess expenditure provisions; and annulling the requirement that public accounts on excess expenditure be submitted to the OAG.

The 96 Decree has been incorporated as a result of the enactment by Parliament of the Constitution Reinstatement (consequential provisions) Act 1996, which revived suspended provisions of the 1991 Constitution to give effect to such revived provision and to bring existing laws into accord with the 1991 Constitution, by adaptation, modification, or repeal. Thus this act incorporated Decree 96 which is still applicable, but there are moves to expunge it from the laws of Sierra Leone. Parliament, thus, still only has power over the approval of the annual budget, but essentially no power over supplementary budgets or 'excess expenditures'. The 96 Decree also reduces the importance of the OAG and provides the Executive with prerogatives that are beyond the scope of the OAG to control. Though the Budget Act and accompanying legislation may have also been incomplete in assuring a suitable accountability framework, the 96 Decree nevertheless weakened whatever did exist.

Moreover, there appears to be no legal mandate by which the OAG is assured of obtaining the annual public accounts from the government. Although Section 56 of the Budget Act explicitly states that the public accounts are to be submitted to the OAG within three months from the end of the fiscal year, the 96 Decree has essentially negated this. In one section, the 96 Decree purports to extend the time period from three months to six. But in another section, it effectively repeals the requirement for submission altogether. As the public accounts have not been submitted to the OAG since 1998, there is no assurance that the annual accounts are being closed by the Accountant-General (ACCG) on a timely basis either.

The OAG's relatively weak authority to obtain public accounts is compounded by other institutional weaknesses. Reconciliation of banking and fiscal accounting data is a critical step for assessing the accuracy and reliability of public accounts. However, any reconciliation that may be performed by the AGD (Accountant-General's Department) is not made available to the OAG either. Nor does the OAG have the legal authority to require that the banking data be submitted to it by the Central Bank of Sierra Leone. This in itself calls into question the ability of the OAG to issue a statement on the reliability of the public accounts information. Lastly and equally distressing, is the fact that whatever reports the OAG does produce and submit to Parliament, are destined to have limited impact, due to the very weak role assigned to Parliament under the 96 Decree.

Judiciary

The Judicature is established according to Section 120 (1) of the Constitution. It is hierarchical in structure, starting from the highest to the lowest as follows:

- The Supreme Court;
- The Court of Appeal;
- The High Court;
- Industrial Relations Court;
- The Local Court.

There are five Supreme Court Judges and five High Court Judges respectively.

The Judicature is autonomous and is administered in accordance with the Constitution. The head of the Judiciary is the Chief Justice. The Supreme Court, which is the final court of appeal in Sierra Leone, comprises five Judges appointed by the President and approved by Parliament. To qualify for appointment as a Supreme Court Judge, one must have practised law for at least 20 years after admission to the Bar. High Court Judges are appointed by the President on the advice of the Judicial and Legal Service Commission and approved by Parliament. To qualify as a High Court Judge, one must have practised law for at least ten years after admission to the Bar. The same applies to the Chairman and Deputy Chairman of the Industrial Relations Court.

Magistrates and Local Court Justices

The Jurisdiction of the magistrate court is found in the Courts Act of 1965, while the Jurisdiction of the local court is found in the Local Court Act of 1963. The Justices that administer the law in magistrate courts may administer customary law, which does not conflict with equity, good conscience, and natural justice. The Justices in local courts basically administer customary law. Judges and Supporting Staff are appointed by the Judicial and Legal Service Commission, an independent body whose Chairman is the Chief Justice established under Section 140 (1) of the Constitution. The Commission is responsible for appointments, promotion, and transfer from one office to another, and to dismiss and exercise disciplinary control over persons holding or acting in such office. Nowhere in the Courts Act of 1965, nor in the 1991 Constitution, does it lay down what qualification one must have to become a Magistrate. The practice, however, has been that to become a Magistrate, one must be a practising Lawyer and admitted to the Bar.

Independence of the Judiciary

According to Section 120 (3) of the Constitution, Judges, Magistrates and Local Court Justices shall be independent, impartial, and subject only to the Constitution and the law, and shall not be subject to the control or direction of any other authority.

Magistrates and Local Court Judges can be removed from office by the Judicial and Legal Service Commission. They can be dismissed more easily than the Judges of the Superior Courts. Section 137 (1) of the Constitution protects the tenure of Superior Court Judges. Retirement age is fixed at 65 years. According to Section 137 (3), a Judge of the Superior Court of Judicature may continue in office after attaining 65 years, for a period not exceeding three months, to enable him to deliver judgment, or do any other thing in relation to proceedings that were previously commenced before him.

This augurs well for judicial independence, since it prevents a Judge nearing his term of retirement to curry favours from the Executive so that his term will be extended. This does not prevent the recruitment of the retained Judge for a specific task in the courts. Section 137 (4) provides that a Superior Court Judge may be dismissed only for inability to perform the functions of office, whether arising from infirmity of the body or mind or for stated misconduct. The dismissal can only be effected after a Tribunal has recommended

to the President that he ought to be removed from office and approved by a two-thirds majority in the Parliament.

Recruitment and Career Development

In recent years, the Judiciary in Sierra Leone has faced problems regarding recruitment and career development. Since the establishment of the Law School in 1989, it has helped to train lawyers. Some of these graduates are recruited by the Law Officers Department, while others prefer to enter private practice. It is estimated that the total number of lawyers in Sierra Leone is about 250.³⁸ A more serious scenario is that of Judges. There are not enough Judges in Sierra Leone to speed up court cases, which is why retired Judges are called upon on many occasions to fill in some of the gaps. Promotions of High Court Judges to the Supreme Court are made by the President acting on the advice of the Judicial and Legal Service Commission and subject to Parliamentary approval.

Judicial Review of Executive and Legislative Actions

Section 127 (1) of the Constitution empowers the Supreme Court to review actions of public officials that violate the Constitution. Public officials must act in accordance with the law and the Constitution; otherwise their action will be declared null and void or ultra vires by the courts. Section 125 of the Constitution gives the courts the power to issue writs of habeas corpus, orders of certiorari, mandamus, and prohibition.

The High Court is empowered to determine Parliamentary election petitions, while Section 40 (1) of the Electoral Laws Act 2002 empowers the Supreme Court to determine the Presidential elections.

Constraints Facing the Judiciary

The Judiciary in Sierra Leone has been operating under difficult conditions and this has led it to go through severe erosion of integrity and efficiency. The constraints include: poor remuneration, shortage of qualified staff, deplorable conditions of service, antiquated legal system, and inadequate infrastructure. Other constraints of the Sierra Leone Judiciary include the following:

- Delay in dispensing Justice. There are still some cases pending before High Courts and the Court of Appeal since the 1970s. Section 120 (16) requires judgment to be delivered within three months of the conclusion of a case. This has not been the case, however, even from the level of Magistrate to that of the Supreme Court.
- The low jurisdiction of magistrates. This is especially noticeable in the civil regime where the amount of money that may be the upper limit for a case to fall within its jurisdiction should not exceed Le 250,000. For example, a landlord who wishes to evict a tenant who pays Le 260,000 as rent has to proceed to the High Court, as this falls outside the jurisdiction of the magistrate court. Most landlords cannot cope with the rigours and procedures of the High Court - they resort, therefore, to unlawful means of eviction.
- Poor conditions of service. The conditions under which personnel in the legal services work are very poor. This situation has led to a brain drain in the judiciary and also the tendency towards corrupt practices on the part of certain personnel in the legal services.
- Shortage of qualified staff. The Judiciary is badly in need of competent and qualified staff to facilitate the work of the Judiciary through the provision of high quality training. It is estimated that the total number of lawyers in Sierra Leone does not exceed 250.
- Absence of Law Reporting. Since 1973, no Law Reports have been published in Sierra Leone. The importance of Law Reports in the development of law

cannot be overemphasised. DFID, however, is sponsoring a project that will ensure the publication of Law Reports in Sierra Leone.

- Outmoded laws and inequities in the area of customary law.

According to Section 138 (1), the salaries, allowances, gratuities, and pensions of Judges of the Superior Court of Judicature is charged upon the consolidated fund. It is Parliament that determines the gratuity and pension of Judges (Section 138 (2)). The Judiciary is ranked fourth out of nine institutions that were mentioned as most corrupt-infected by the ACC Survey of 2000. The Judiciary is also accused of the following:

- Perversion of justice especially against the poor;
- Connivance (or covering up) on the part of law enforcement agencies in order to protect rich and influential persons;
- The police selling out information tips to possible suspects for a fee.

Corruption, particularly at the lower levels and among the supporting staff, whose conditions of service are extremely poor, is common. One retired Judge, for example, who was contracted to work in the Judiciary was found guilty of accepting an advantage in 2001 by the court.³⁹

Civil Service

There are 29 departments in Sierra Leone with over 18,000 civil servants manning the various departments.

The Civil Service in Sierra Leone is under the Public Service Commission, which consists of a chairman, not less than two and not more than four other members. According to the Constitution (Chapter 10, Section 151 (2)), members of the Public Service Commission shall be appointed by the President, subject to the approval of Parliament. Members of the Public Service Commission hold office for a period of five years.

According to the 1991 Constitution, a member of the Public Service Commission may be removed by the President for inability to discharge the functions of his office (whether arising from infirmity of kind or body or from any other cause) or for misconduct. Section 51 (9) of the Constitution states that no member of the Public Service shall be victimised nor discriminated against directly or indirectly for having discharged his duties faithfully in accordance with the Constitution; nor dismissed, removed from office, reduced in rank or otherwise punished without just cause. Like Judges of the Supreme Courts in Sierra Leone, as long as members of the Public Service Commission act in good faith and within their jurisdiction, they will enjoy security of tenure. This precludes, therefore, any arbitrary action of the President.

The President is empowered to appoint heads of commissions including the Judicial and Legal Service Commission and commissions of inquiry if they become necessary. There are provisions that commissions have to seek the approval of the President and there are also others in which the President will only act in consultation with the Public Service Commission (Section 154 (1)).

Recruitment, Promotion and Discipline

The recruitment process of personnel in the public service first of all starts with the ministries upon identifying the type. It will inform the administration who will in turn inform the Public Service Commission to advertise the position through the government printer in the government gazette. After publication, interested individuals will apply to the PSC and will be short listed. Those short listed are then invited for an interview.

In the case of recruitment of a professional, interviews are conducted by a panel consisting of officials of the PSC, the Establishment Secretary's office, and the ministry concerned. Over the years, the Sierra Leone civil service has been undesirably plagued by large-scale politicisation, which has not augured well for the principles of impartiality and non-partisan

posture to be maintained by serving members of the civil service. This relatively affected crucial areas of the civil service dealing with appointment, promotion, transfer, discipline, and commitment of civil services viz. their duties. The politicisation of the civil service led to civil servants participating in active politics. This was, however, permitted by the 1978 one-party Constitution, but restricted by Section 96 (b) of the 1991 Constitution. According to Number 2 of the Draft Code, among other things, the role of the civil service is to assist the duly constituted government of Sierra Leone, whatever the political complexion of the government, in formulating its policies, in carrying out decisions, and in administering public services for the benefit of the people of Sierra Leone. Civil servants are thus restricted by the civil service code to participate in partisan politics. Despite this prohibition, however, there is a tendency on their part to manipulate national politics to suit their interests. Permanent Secretaries tend to compromise seriously their political neutrality in order to protect their position. They will hesitate to oppose a policy coming from a minister, even though such policy is wrong.

Monitoring of Assets and Disclosure Provisions

In Sierra Leone, there is no legislation that requires public officials to disclose their assets. The Anti-Corruption Commission (ACC) is recommending that the government of Sierra Leone ensure civil service reform through codes of ethics and the declaration of assets on the part of public officials. The ACC investigates all allegations of corruption brought to it by individuals or institutions. A public officer is guilty of the offence of corrupt acquisition of wealth if it is found upon investigation by the Commission, that he is in control or in possession of any resources or property, or has benefited of any advantage which he may reasonably be suspected of having acquired or received corruptly, or in circumstances which amount to an offence under the Anti-Corruption Act 2000.

Conflict of Interest Rules

There is no code of conduct for public officials. It is recommended, however, by the ACC that ministers, parliamentarians and public officials should discuss the issue with a view to finding a solution. This should be with the view to becoming more transparent in their private financial business as part of the governance process in Sierra Leone. The civil service reform envisages a code of ethics that will deal with the issues of conflict of interest, gifts, and other advantages.⁴⁰ The new code has not been made public. The fact remains, however, that in the absence of 'conflict of interest', it cannot be ensured that civil servants do not use their public position to influence the purchase by government ministries and departments of goods and services, from firms in which they have financial interests. There is also no personal assets register.⁴¹

Gifts and Hospitality

According to the Anti-Corruption Act of 2000, the two main points that must be proved in order that a charge can be brought against an individual for corruption are:

- Performing or abstaining from performing any act in connection with the public duty of public servants, and
- The solicitation or acceptance of any advantage - put simply, this means corruption occurs when public office is abused for private gain. Advantage is defined to include loans, fees, rewards, property, commissions, employment, gifts, or any benefit.

The ACC interpretation of gifts, however, is wide and covers anything of value. Therefore, accepting a gift might not exclude a civil servant from the possibility of being prosecuted for corruption.⁴² During seminars and workshops on corruption held in Sierra Leone, it has been highly recommended by civil servants and other stakeholders, such as those in the private sector, that they be allowed to own, or have primary interests in private firms or companies. Civil servants are debating whether they should be allowed to own, or have pecuniary interests in private firms or companies. To some extent, this debate is driven by

their desire to find ways to increase their opportunities and, therefore, the argument goes, make them less susceptible to corruption.

Accountability of Civil Servants

Measures that are in place to encourage probity and accountability of civil servants include, among others, the law prohibiting public officials from accepting any form of advantage or gift in connection with their official duties. According to section 8 (1) of the Anti-Corruption Act 2000, public officials commit an offence when they fail to do their duty, including using their influence. Members of the public can lodge complaints of corruption against public officials with their superiors, the Anti-Corruption Commission, the police, the Public Service Commission, the police complaints division, and the President. The complaint can also be taken to court.

Post-Public Service Employment

There are no rules at the moment that govern post-public service employment.

Accountability of Public Officials to Citizens

Chapter 3 of the Constitution of Sierra Leone recognises and protects fundamental Human Rights and Freedom of the Individual. Section 28 (1) states that if any person alleges that any of the provisions of Sections 16-27 (inclusive) have been, are being, or are likely to be contravened in relation to him by any person (or in the case of a person who is detained, by any other person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person (or that other person) may apply by motion to the Supreme Court for redress.

The Supreme Court is empowered to hear and determine any application made by any person in pursuance of Subsection (1) and to determine any question arising in the case of any person (referred to in pursuance of Subsection (3)), and may make such order, issue such writ and give such directions as may be considered appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of the said section (1991 Constitution, Section 28 (1) and (2)). There have been several cases where citizens and institutions have sued the government, for example, the case involving the All People's Congress Party (Plaintiff) and NASMOS Ministry of Social Welfare Youth and Sport.

This is not to say, however, that Sierra Leoneans who would like to sue government for crime and human rights violations have the power to do so. This has been due to various factors, including:

- Mass illiteracy of citizens;
- Ignorance of citizens' rights;
- Delay in dispensing justice and the tendency to lose confidence in the justice system;
- Lack of adequate financial resources to carry out the legal process;
- Fear of victimisation on the part of top government officials and political patrons.

Public Sector Management Civil Service Reform

While a well-trained, well-motivated, efficient civil service with clear goals and objectives is of absolute importance to the progress of the country, unfortunately this has not been the case with the Sierra Leone civil service in recent years. When President Ahmed Tejan Kabbah addressed the opening ceremony of the workshop on Good Governance and Public Service Reform in August 1996, he observed that the system of government was ineffective, inefficient and in general, encouraged mismanagement and other malpractices at all levels, resulting in their near collapse of almost every arm of government. In this regard, several studies have been undertaken by the World Bank, UNDP and other funding

agencies to address the malaise in the civil service. One such project is the Public Service Management Support Project (PSMS) which focuses on the need to strengthen the capacity of the government to deal with economic and social development issues. Within the PSMS project, the Civil Service Reform Programme was recognised as a critical arm to increase the productivity capacity of the public sector. Among the measures highlighted as instrumental to raising the efficiency and productive capacity of the civil service and reducing corruption, are the following:

- A new salary structure;
- A new grading structure;
- New incentive system including a revised pension formula;
- New personnel management regulations;
- New recruitment procedure for entry into the service;
- New personnel evaluation system;
- A new code of ethics that will ensure the declaration of assets, and rules on conflicts of interest.

The ultimate goal of public service reforms is to improve the quality, delivery, efficiency, and cost effectiveness of public service. This is to be achieved through the development of an efficient, well-remunerated, disciplined, lean, dedicated, and motivated civil service.

Since the beginning of the programme, civil service reform has been characterised by the following activities:

- Establishing and equipping personnel management office and training of staff;
- Formulating training policy and preparing training programme;
- Restructuring the Civil Service Training College.

The UNDP has funded the introduction of new personnel regulations to replace the existing general orders, which are outdated. The draft texts of an administrative manual and the regulations are being reviewed. New elements include a code of ethics and a performance appraisal system. Successive governments have operated parastatals in Sierra Leone since independence, but they have not been successful over the years. At present, 24 out of 44 parastatals have been identified by Parliament, through the National Commission for Privatisation Act 2002, for privatisation and reform of public enterprises (these include the National Power Authority, Sierra Leone Telecommunications Company Limited, Sierra Leone Commercial Bank Limited, Rokel Commercial Bank Limited, Sierra Leone State Lottery Company Limited, Sierra Leone Broadcasting Service, etc). The most successful parastatals so far, even in terms of revenue generation and proper management, include the Sierra Leone Commercial Bank Limited, Rokel Commercial Bank Limited, National Insurance Company Limited; most of the others are still facing enormous problems in the area of public service delivery and management, which has created a credibility problem for such parastatals. This is also against the backdrop that most of the top management of these entities usually sympathises with the government of the day.

The Police Force

According to Section 155 of the 1991 Constitution of Sierra Leone, the police force is headed by an Inspector-General of Police. At independence in 1961, the police force was Africanised and in 1963, the Sierra Leone Police Force had its first appointed Commissioner of Police (now changed to Inspector-General of Police (IG)).

In 1964, an Act of Parliament was adopted to consolidate and amend the law relating to the organisation, discipline, powers, and duties of the police. This act, among other things, set up a Police Council to advise the President on all major matters or policy relating to

internal security, including the role of the police force, budgeting, finance administration, and any other matter that the President shall require. With the approval of the President, it can also make regulations for the performance of its functions under the 1991 Constitution, or any other law to ensure the effective and efficient administration of the police force. The Minister of Internal Affairs is the chairman of the council. The act defines the role of the Sierra Leone Police primarily as the detection of crime and the apprehension of offenders, the preservation of law and order, the protection of property, and the enforcement of all laws and regulations with which they are directly charged.

For over three decades, the integrity of the Sierra Leone Police Force was compromised by the appointment in the 70s of the Commissioner of Police as a Member of Parliament on the one hand, and also a member of the only then recognised party, the All People's Congress. Public confidence deteriorated considerably. Political patronage replaced competitive examination for recruitment into the police force. The politicisation of the police force took place during the regime of the APC government, with the introduction of the one-party system of government under the 1978 one-party Constitution. This Constitution makes it incumbent on heads of government institutions to become members of the recognised party. Under the APC, the IG became a client of the one-party regime, which influenced the modus operandi of the Sierra Leone Police Force. This was characterised by the rapid deterioration of standards and public confidence in the police; the bypassing of laid-down rules governing the recruitment of officers, which also included transfers, promotions, assignment of duties, and responsibilities. By the end of APC rule in 1992, the entire police force was in disarray. There was a high incidence of indiscipline, corruption, tribalism, sectionalism, etc. This situation was worsened by the civil war 1991–2002. Corruption and the effect of the 11 years of the rebel war left the Sierra Leone Police Force in an unsatisfactory state.

The need for a well-restructured and equipped force cannot, therefore, be overemphasised. The international community, particularly the British government, has contributed tremendously to the present day Sierra Leone Police, characterised by an efficient, reliable, and well-trained force serving the people. This was done by a total restructuring of the police led by a British officer who has been serving as the IG. The restructuring process improved on police discipline and integrity. Sierra Leoneans now have a new perspective of the Sierra Leone Police, with public confidence in the police on the increase. By 2000, the police force was able to persecute 80% of the cases in the magistrate courts, some with the fiat of the Director of Public Prosecutions.⁴³

The size of the Sierra Leone Police Force is 7000 (2002). There are plans to expand further the police force so as to ensure that its activities are effective nationwide. This move has also been complemented by the effort to improve further the ethical standards of the police through an awareness campaign. The project also includes the creating of awareness of the public about police behaviour regarding bribery and corruption. Departments to deal with police complaints have been set up both at the headquarters and other branches. Despite the fact that the restructuring process in the Sierra Leone Police Force is gaining dividend, the force however has its problems, characterised by low wages and salaries.

Prosecutors

The role of the Attorney-General and Minister of Justice is primarily that of the principal legal adviser to the government. He is responsible for prosecuting all offences in the name of the Republic of Sierra Leone. He has audience in all the courts in Sierra Leone, except for local courts. He directs the Director of Public Prosecutions.

Section 66 (1) of the Constitution, establishes the Office of the Director of Public Prosecutions (DDP), whose office shall be a public office. He is appointed by the President on the advice of the Judicial and Legal Service Commission and subject to the approval of Parliament. The holder of such an office must be qualified for appointment as a Justice of the Court of Appeal. His functions are:

- To institute and undertake criminal proceedings against any person before any court in respect of any offences against the laws of Sierra Leone;
- To take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
- To discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

The DPP can delegate his power to other persons acting under and in accordance with his general or special instructions (Section 66 (5)).

Constraints

Despite the fact that the Office of Director of Public Prosecutions has a lot of work to be done as assigned by the Constitution, it has been facing various constraints that have been affecting its performance. First of all, this office lacks the capacity to prosecute all the cases brought before it, to ensure early justice. There were 13 State Councils at the time of the preparation of this report, and four consultants paid by DFID to prepare cases or litigate on behalf of government. Other constraints that characterise this office include the following:

- Inappropriate charges against accused, due to lack of professionalism on the part of the police prosecutions, leading to wrongful civil or criminal charges.
- Lack of correct information and improper preparation of cases by police prosecutors, leading to frequent adjournment and bench warrants.
- Failure of police prosecutors to report on the progress of cases in the magistrate court.
- Failure on the part of police prosecutors to report to the Law Officers Department on their inability to understand legal jargon.
- Failure on the part of the police prosecutors to seek advice from the Law Officers Department.
- Severe shortage of state lawyers to prosecute the numerous offences.

Public Procurement

Procurement in Sierra Leone constitutes a substantial portion of government expenditure, which makes procurement a critical function of the government's performance. The government budget is highly dependent (at least at present) on external aid flows. Implementing appropriate procurement reform measures may save the government an estimated \$30 million to \$40 million a year.⁴⁴ It is clear that good procurement practice is an essential aspect of sound fiscal management and a basis for donor confidence. The government had expressed a commitment to bring about a reform of public procurement procedures and policies since it assumed office in 1996, bringing them in line with modern-day best policies and practices in order to secure better value and reduce expenditure and corruption. Thus, the government of Sierra Leone decided to adopt a new Procurement Act in 2004. The 2004 act adopted radical measures aimed at a progressive procurement reform that includes a modernized legal and institutional framework, capacity-building and improved procurement processes.

The history of the procurement reform process in Sierra Leone started when President Alhaji Dr. Ahmad Tejan Kabbah requested that UNDP Sierra Leone provide assistance to procurement reform. An exploratory mission was conducted in April 2002, and the first mission of technical assistance for procurement reform was conducted by UNDP / IAPSO in December 2002, in consultation with the World Bank and the DFID procurement specialist who was on mission to Sierra Leone. A workshop was held in Freetown in December 2002

to improve the procurement situation in Sierra Leone, and the government saw the need to execute a procurement reform programme. This resulted two years later in the adoption of the Procurement Act in December 2004.

The Sierra Leone Procurement Act 2004 regulates public procurement and affiliated regulations. The 2004 act contains eight parts dealing with the establishment and functions of the National Public Procurement Authority, including procurement committees and procurement units; general provision on procurement proceedings; methods of procurement; complaints procedure; disposal stores and equipment and miscellaneous.

The Public Procurement Act 2004 establishes the National Public Procurement Authority to regulate and harmonise public procurement processes in the public service, to decentralise public procurement to procuring entities and to promote economic development, including capacity building in the field of public procurement by ensuring value for money in public expenditures and participation in public procurement by qualified suppliers, contractors, consultants and other qualified providers of goods, works and services, among other related matters.

According to part 2, section (1) – (2), the National Public Procurement Authority, which is the institution established to facilitate the procurement process in Sierra Leone, is a body corporate with perpetual succession and capable of acquiring, holding and disposing of any property. It can sue and also be sued.

The authority is governed by a board consisting of a chairman, a representative of the attorney general and minister of justice, five persons appointed for their knowledge and experience in public procurement and the public service and the chief executive. They shall not hold office for more than six years.

The authority is established to regulate and monitor public procurement in Sierra Leone and to advise the government on issues relating to public procurement. Among other things, its responsibility includes the formulation of policies and standards of public procurement and ensuring compliance with procurement contracts on the part of all parties.

The authority is also responsible for assessing the operations of public procurement processes and for submitting proposals for the improvement of the processes, including the introduction of information and communications technology and the development of modalities for appropriate collaboration among procuring entities.

To ensure transparency the authority also issues standard forms of contract and standard bidding documents for mandatory use by all procuring entities, publishes information on public procurement in the gazette or newspaper with wide national circulation, or on radio and TV, and maintains a database of suppliers, contractors and consultants and records of prices to assist in the work of procuring entities.

The authority submits to the cabinet and tables before parliament an annual report on the overall functioning of the procurement system, including a profile of procurement activities. This is to ensure transparency and accountability.

In order to ensure the independence of the procurement entity, the act stipulates that the authority is independent in performing its functions and shall not be subject to the direction or control of any person or authority.

In order to ensure a level playing field and avoid conflict of interest, members of the board should not have an interest, either direct or indirect, in any matter to be considered by the board.

The act also makes provisions for sanctions against defulters. The authority can investigate and suspend from procurement proceedings suppliers, contractors and consultants who have neglected their obligations under a procurement contract, provided false information about their qualifications, contravened the regulations or offered inducements referred to in the Procurement Act 2004.

It can conduct, at least annually, a procurement forum bringing together public sector, private sector, and civil society and development partners to address issues related to public procurement.

The authority also has the power to obtain information from any party to a procurement contract and also conduct interviews with parties for procurement contracts to ensure transparency and accountability.

The Procurement Act ensures confidentiality of the bidders and prohibition of disclosure of information to avoid corruption. According to the act, a bidder must fulfil the criteria set by the procuring entity. These include professional and technical qualifications, equipment availability, past performance, after-sales service, spare parts availability, legal capacity, financial resources and condition, professional offences, assessment by the National Revenue Authority to ascertain payment of taxes and payment of social security contributions.

To ensure transparency the name and address of a successful bidder and the contract price are published by the procuring entity if the price of the contract exceeds Le 300 million in the case of procurement of goods, Le 600 million in the case of procurement of works and Le 300 million in the case of procurement of services, as stated by the First Schedule dealing with thresholds. Unsuccessful bidders can be informed upon request of why their bids did not go through.

Accountability and transparency are also ensured by Section 32 (6) of the act, which gives the right to the authority, the Anti-Corruption Commission and the auditor-general to inspect the procuring records and documents maintained by entities on procurement on request. Where donor funds have been utilized for procurement, donor officials also have access upon request to procurement files for the purpose of audit and review.

Public officials involved in the procurement process must be impartial so as to ensure fair competitive access to public procurement by bidders. They must always act in the public interest and obey the provisions of the act to avoid conflicts of interest, to refrain from committing or abetting corrupt or fraudulent practices, to avoid coercion or collusion including the solicitation or acceptance of any inducements and to maintain confidentiality and not to undertake any private concern dealing with procurement activities for a period of three years after departure from the procuring entity.

According to Section 34 of the act, bidders and suppliers shall at all times respect the obligations, regulations, contracts and other instruments applicable to their conduct and activities related to procurement. Part V Section 37 says that public procurement shall be undertaken through advertised open bid proceedings, characterized by equal access of all eligible and qualified bidders without any discrimination. Exceptions include instances when Section 38 stipulates that open-bid proceedings include a prequalification stage or applies a post qualification procedure prior to the award of the contract; when only domestic suppliers or contractors are likely to be interested in submitting bids and therefore national competitive bidding procedures may be employed by the procuring entity (Section 39); when the estimated contract amount is higher than the value threshold specified in the First Schedule (Section 40) and thus international competitive bidding procedures are used; when the procurement committee has restricted bidding to only a limited number of bidders as a result of the availability of goods, works or services; and when the estimated value of the procurement is not commensurate to the time and cost of considering a huge amount of bids (Section 41 a and b).

The act also stipulates the time and place bids should be opened. Information relating to the examination, clarification, evaluation and comparison of bids shall not be disclosed to anyone outside the official process.

Contracts are awarded to the bidder who submits the lowest evaluated and substantially responsive bid according to the criteria set by the bidding documents. A contract is signed between the procurement entity and the supplier within 30 days of the award of the contract.

A procedure for complaints is contained in Part VI Section 63 of the act, which gives the right to review the procurement proceedings when there is a breach of duty by the procuring entity with respect to the act's implementing regulations and the bidding document. This can be an independent procurement review according to Section 65.

Ombudsman

According to the 1991 Constitution, the Ombudsman is appointed by the President with the approval of Parliament.

The tenure of Office of the Ombudsman shall be for four years and shall be eligible for appointment to one more term of four years. He can only be removed from office for inability to perform the functions of his office, whether arising from infirmity of body or mind, or for stated misconduct. According to Section 7 (1), the functions of the Ombudsman are to investigate complaints of abuse of power; to take appropriate action to remedy, correct, or reverse the act complained of through such means as are fair, proper and effective, including negotiation and compromise between or among the parties; reporting his findings together with his recommendations to higher authorities having the attention of government to any defect in the law that is unjust, and also the attention of the Attorney-General and Minister of Justice to any contravention of the criminal law of Sierra Leone identified in the course of any investigation. The proceedings of the Ombudsman in connection with any investigation shall be generally of an informal nature and, in particular, shall not be governed by the rules of evidence and procedure applicable in a court of law and may, as far as possible, be conducted in private.

According to the Ombudsman Act Section 12 (a) and (b), no legal proceedings, whether civil or criminal, shall be brought against the Ombudsman or any member of his/her staff in respect to anything done in good faith and falling within this act. No proceedings, decision or report of the Ombudsman shall be challenged or otherwise called into question in any court.

The act is silent in the case that the Office of the Ombudsman fails to receive any response from both President and Parliament. This could be seen as a limitation of the Office of the Ombudsman.

The Office of the Ombudsman is required to submit to the President annual reports of the activities of his office and the President shall cause any such report together with an explanatory memorandum, which has been laid before Parliament since the inception of the office.⁴⁵

The fact that the Office of the Ombudsman is a recent phenomenon in Sierra Leone means it has not received total recognition on the part of the people. This, however, does not mean that the office will not make an impact in the country. So far, it has tried to network with other institutions. Since its inception in 1997, the office has had financial problems, till Parliament approved to allocate it the sum of Le 250 million. It began work in 2000. There are moves to set up an office and carry out the necessary recruitment of other officers (the Office of the Ombudsman has nine members of staff). Despite the importance of the office for the promotion of democratic good governance, the Ombudsman has no enforcement or disciplinary powers. In this regard, it has been said that the Office of Ombudsman constitutes a paradox, being both powerful and powerless at the same time. In his unusual role in government he receives complaints from the public, but his job is not to become an advocate for the complainant or the government and public service. He is charged with the responsibility of collecting and evaluating all the facts regarding the matter as a neutral and impartial investigator. He determines if there is any basis to the complaint. The Ombudsman may make recommendations to correct wrongs done to individuals to improve the administration of government. If his recommendations are not accepted without good reason, the Ombudsman may advocate for their implementation.

By 2002, the Office of the Ombudsman had received over 500 complaints. This was made known in the first annual report of the Ombudsman, which reported that 430 of the 570 cases presented had been investigated – 85 cases were upheld as justified, 345 were considered unjustified, and 30 cases were still under investigation. The bulk of complaints were related to unlawful and unfair dismissal from work, lack of benefits, delays in paying government pensions, land encroachment, and delays in court cases and judgment.

Investigative/Watchdog Agencies

The Anti-Corruption Act 2000 prohibits, whether in Sierra Leone or elsewhere, the offering of and giving assistance, or using influence in the promotion, execution, or procuring of any contract or sub-contract with a public body for the provision of any service, the doing of anything, or the supplying of any article, material or substance, etc.

The Anti-Corruption Act/Law was promulgated on the 3rd February, 2000. It is comprised of seven parts. Part one deals with preliminary details, part two with the establishment of the Commission, part three with the functions of the Commission, part four with corrupt practices, part five with the powers of investigation, part six with the powers of prosecution of offences, and part seven with administrative provisions. The Anti-Corruption Act of 2000, Sections 5 (2) (a) and (b) confer on the Commission the powers to examine the practices and procedures of government ministers, departments, and other public bodies, in order to secure a revision of those practices and procedures; to advise the heads of such ministries, departments, and other public bodies thereon; to instruct, advise and assist any person or authority on ways in which corrupt practices may be reduced or eliminated.

The Anti-Corruption Commission (ACC) is established under Section 2 (1) of the Anti-Corruption Act 2000. It is the main body that has been empowered to combat corruption in Sierra Leone. Under Section 5 (2) of the Act, the main functions of the Commission are:

- To examine the practices and procedures of government ministries, departments, and other public bodies, in order to secure a revision of those practices and procedures, which, in the opinion of the Commissioner, may lead to corrupt practices, and to advise the heads of such ministries, departments, and other public bodies thereon;
- To instruct, advise and assist any person or authority on ways in which corrupt practices may be reduced or eliminated;
- To educate the public against the evils of corruption; and
- To enlist and foster public support in combating corruption.

Nevertheless, and despite the creation of the Anti-Corruption Commission (ACC), there are still challenges that must be overcome, if corruption is to be fought and reduced to the minimum. These include:

- A need for increased resources for the ACC. Both the Community Relations and Prevention departments are under-resourced. There is a need for capacity building, particularly in the areas of staffing, training, and equipment.
- A lack of accountability as a result of weak systems. Accounting procedures and practice that will provide audit trails must be strengthened.
- Cases submitted to the Attorney-General and Minister of Justice and the Director of Public Prosecutions must proceed through the courts in a speedy manner.
- The activities of the Anti-Corruption Commission must become nationwide.
- Government needs to signal its determination to fight corruption through necessary reform, such as reform of the civil service, codes of ethics, declaration of assets, promulgating a conflict of interest clause, provision of needed additional resources for the Offices of the Attorney-General and Director of Public Prosecutions.
- Government commitment/political will to prosecute corruption cases.
- There must be changes in the arrangement structure, revision of absolute laws, and improvement of standards of accountability and ethics.

- “Corrupt persons are admired while less corrupt people are scorned” – more sensitisation is needed to change this perception.⁴⁶
- The ACC must have its own Judge to ensure non-political interference and speedy trials.
- Reform of state institutions in order to ensure their effectiveness, including the Judiciary, and improving the capacity of parliamentarians, so that they legislate sound policies that will augur well for good governance.
- Government should speed up the decentralisation and privatisation processes.
- Donor good will remains crucial if Sierra Leone is to create a solid and credible NIS through provision of funding and technical aid.

The Commission consists of the following members:

- A Commissioner who is the head;
- A Deputy Commissioner.

Mr. Val Collier is the Commissioner, while the post of Deputy Commissioner remains vacant. Both posts are appointed by the President from a group of persons of conspicuous probity and with proven knowledge and ability in accounting or other professions, or in the investigation of offences involving dishonesty. Both posts are appointed for five years, which may be renewed as and when necessary. According to Section 53 of the act, the Commission shall not, in the performance of its functions, be subject to the direction or control of any person or authority, such as the President, or any other institution that would prejudice the activities of the ACC, contrary to the ACC Act 2000 which provides that the ACC is to be independent.

However, though independent, the ACC can only prosecute offences through the Attorney-General and Minister of Justice, where it is of the opinion that the findings of the Commission on any investigation warrant the consideration of the Attorney-General.

The ACC has three main departments – Investigation, Prevention, and Community Relations – patterned on the Hong Kong and Botswana models in the fight against corruption. Since its inception, the ACC so far has not succeeded in bringing top government officials before the courts. The ACC should submit all the cases it has investigated to the Office of the Attorney-General (AG) for prosecution. It is the Office of the AG that will ensure that the said cases are successfully prosecuted. There has been a general outcry over the delay in prosecuting the cases sent by the ACC to the AG. There are about 40 cases, 10 of which were successfully prosecuted by one of the Judges sponsored by DFID, Mr. Robert Anthony Schuster, from 4th October, 2003 to July 2004. While Parliament approved Le 415 million for the ACC’s budget, DFID pays 50% of its total budget. It also sponsored two Judges and one Prosecutor to speed up cases. The delay in prosecution is perhaps due to the inadequate capacity of the AG Office. With the two Judges and the Prosecutor who are now being complemented by four consultants recruited by DFID, it is hoped that prosecution will be expedited.

All allegations of corruption brought to the Commission by individuals or institutions are investigated. The Investigation Department has 20, the Prevention Department six, and the Community Relations Department four members of staff respectively. Members of the Investigation Department have a police background – the head is Mr. James Kanyako, who was a Police Commissioner till his appointment as Director of Investigation. The Community Relations and Prevention Departments are headed by Mrs. Neneh Dabo, who was a civil servant before her appointment.

Investigators at ACC had a work load of 80 cases divided among six investigators. This meant that an investigator had 13 cases to investigate. A majority of the cases were related to misappropriation of government funds, accepting an advantage, bribe, etc. The 80 cases were divided into two groups with the following work load:

Group A

- Sixty-four investigations were carried forward from 2000/2001;
- Forty-eight new investigation commenced in 2002;
- Seventeen cases recommended for prosecutions;
- Four cases are before the courts;
- Thirty-four files are closed.

Group B

- Seventy-six investigations were carried forward from 2000/2001;
- Seventy-two new investigations were commenced in 2002;
- Six cases have been recommended for prosecution;
- Four cases are before the courts;
- Forty-eight files were closed.

Group B has eight investigators. The case load for each investigator means that efficient investigation is difficult.

The overall staff strength as at 31st August, 2003, was:

Administration/Professional	3
Investigations	20
Prevention	6
Community Relations	4
Research & Development	4
Support Staff	24
DFID Staff	5
Reversion	1
Regulation	1
On suspension	1
Dismissal	1

Source: Anti-Corruption Commission Annual Report 2002, Freetown, 2002

Sections 7–15 of the Anti-Corruption Act define what constitutes corrupt practices. These includes corrupt acquisition of wealth, soliciting or accepting advantages; using influence for contracts; corrupting public officers, etc; misappropriation of public funds or property; misappropriation of donor funds or property; impeding foreign investment; corrupt transactions with agents. The act contains misuse of public office provisions and also contains unexplained wealth provisions. According to Act 5.7 (1), a public officer is guilty of the offence of corrupt acquisition of wealth if it is found upon investigation by the Commission that he is in control or possession of any resources or property or in receipt of the benefits of any advantage, which he may reasonably be suspected of having acquired or received corruptly, or in circumstances which amount to an offence under the Anti-Corruption Act.

Sections 40–48 of the act stipulate the sanctions for those convicted of an offence under the act, which are:

- Upon conviction, imprisonment for a term not exceeding seven years.

- The court can also order the person convicted to pay twice the amount or value of the resources or property acquired or the advantage received, to the Accountant-General, in addition to the punishment prescribed by Subsection (1).
- Upon conviction for soliciting or accepting an advantage, using influence for contacts, corrupting a public officer, soliciting or accepting an advantage from a public officer, misappropriation of public funds or property; a guilty person will be fined not less than Le 30 million, or to a term of imprisonment of not less than 10 years or to both; and in addition, the court shall order the forfeiture of the advantage corruptly acquired.

The ACC Act has been designed as a tool for the Commission of Enquiry and not as an Investigation Agency. The fact still remains that the ACC has to forward its cases to the Office of the Attorney-General, whose office will determine whether they fulfil the criteria for prosecution. The proposed law to amend that part of the ACC Act has not yet been amended.

Specific Activities of the ACC

Since its creation, the ACC, as the main anti-corruption agency, has been conducting sensitisation programmes aimed at corruption prevention and public awareness. The ACC, through its Community Relations Department, embarked on a national campaign on the evils of corruption and the benefits of a corrupt-free Sierra Leone. The electronic media has been the main vehicle for the transmission of anti-corruption messages to the public. The public is, however, multi-ethnic, thus the sensitisation process has to be diversified. A multi-media and participatory approach which includes the use of radio and television, print media, sensitisation workshops and meetings, setting up of integrity clubs in schools, publishing a quarterly newsletter, use of community theatre, and organising of essay and music competitions on topics related to corruption have been put in place. All these activities are carried out nationwide.

The distribution of posters, the erection of billboards and the printing and distribution of T-shirts are also part of the activities of the ACC. Since its inception, the Department of Community Relations has printed over 6000 posters, distributed over 3000 T-shirts and erected 15 billboards all over the country. The billboards carry such messages as:

- Welcome to Sierra Leone: if you cannot help us, please don't corrupt us.
- Be patriotic, report a corrupt practice today.

On the posters, the messages include:

- A corrupt-free Sierra Leone can be another paradise.
- Do not bribe the police: they are here to save you.
- Be nationalistic, report a corrupt practice today.

For the T-shirts, the messages include the following:

- At the front: Help Build Sierra Leone. At the back: Stop corruption.
- At the front: Take care. At the back: The Eagle's Eye is everywhere.

The Eagle's Eye is the symbol of the Anti-Corruption Commission. *The Eye* has also become the name of the Anti-Corruption Commission's quarterly newsletter.

The Department of Community Relations of the ACC has projected an elaborate programme aimed at intensifying its sensitisation of the entire nation on the evils of corruption. This will, however, depend on the availability of funds at the time. DFID has been funding this department. The ACC has also been conducting weekly discussion programmes on the evils of corruption. These discussion programmes include government institutions, private sector, civil society, etc. The ACC has put together a coalition partners' forum. The aim is to achieve the strategic objective of the ACC together as a coalition. The coalition partners include civil society, the media, the public, the Inter-Religion Council, the

private sector, trade unions, etc. This board coalition comprises of over 20 institutions and is sub-divided into four committees:

- A committee responsible for monitoring supervision and electronic media programme;
- Curriculum development, integrity clubs, and essay and other competitions;
- Provisional material and newsletter; and
- Sensitisation workshop and community theatre.

The ACC is also carrying out its mandate, which among others, gives it power to examine practices and procedures of government ministries, departments and other public bodies, in order to secure a revision of those practices and procedures and to advise the head of such ministries, departments and other public bodies. The Prevention Department of the ACC carried out its first prevention exercises in those ministries found wanting by the DFID-funded Anti-Corruption Public Perception Survey 2000. In that survey, the Ministry of Education, revenue earning departments, and service delivery ministries were identified as corrupt. The process used was as follows:

The prevention exercise of the ACC first starts by setting the background information on the system of the organisation, including legislation, policy documents, and management structure. Emphasis is on a system check, whereby if a corrupt official is removed from an office and the same system remains, the likelihood of the next corrupt officer manipulating that system better to his or her advantage than the first official is high. The next stage is the designing of new procedures and systems, in most cases, with the input of stakeholders that deal appropriately with problems of corrupt opportunities in the system. Normally, recommendations are related to making changes in the management structure, revising absolute laws, improving standards of accountability and transparency in the system, and development of a code of ethics for the institution concerned. The case officers will be given the relevant facts on procedures, processes observed, documents discovered or developed, and the final report discussed with the organisation.

Investigations and Prosecutions

Since its inception in the year 2000, the ACC has conducted corruption investigations and prosecution with limited success. Apart from the fact that the ACC has faced challenges, such as limited financial resources and lack of additional trained staff, the ACC has been under criticism for failure to discharge its duty effectively.

The ACC, however, does not have a court of its own with a Prosecutor who will handle speedily cases of corruption. This area, which is crucial to the credibility of the ACC, has been taken care of through the intervention of both DFID and the Commonwealth Secretariat, characterised by the recruitment of two Judges and one Prosecutor to handle specifically corruption cases in Sierra Leone.

There has also been the problem as to who is responsible for the delay in prosecuting cases of corruption. According to the act, cases that have been investigated by the ACC should be submitted to the Office of the Attorney-General and Minister of Justice. Concern has been raised by the public as to the amount of cases on corruption that have been submitted to the Office of the Attorney-General, which over the years, have increased tremendously. The Office of the Attorney-General and Minister of Justice has argued that in the first instance it does not have the adequate staff to undertake the prosecution of these cases speedily and also it is not a matter of course for the Attorney-General to prosecute whatever matter the ACC presents to his office, since the conclusion may differ.

Reporting

The act requires the Commission to submit to the President, not later than three months after the end of any year, a report of its activities. The ACC official annual report usually includes a review and report by the Commissioner himself, a report from the Community Relations Department depicting the activities it has carried out during the year, such as the

amount of community sensitisation meetings, the creation of integrity clubs in schools, publication of newsletter, radio and TV programmes, educational tours, building coalitions with other institutions, monitoring and supervision of the community relations programme, etc. An analysis of corruption and related reports brought before the ACC is also discussed by the Investigation Department, where cases that have been sent to the Attorney-General Office for prosecution are listed. The report sent to the President annually also contains members of staff of the ACC, accommodation and other constraints, successes, and other related matters. The President is required to submit the annual report to be tabled before Parliament.

Challenges

Since its inception in the year 2000, the ACC has been perceived differently by various groups in the body politic. This has been against the backdrop that the ACC is only allowed to investigate but not to prosecute, a responsibility that lies with the Attorney-General and Minister of Justice, who is a political appointee. This is also compounded by the fact that the heads of the ACC are also appointed by the President, a situation which perhaps leaves room for temptation on the part of the head of the ACC to support political policies. In general, the most crucial issues for the ACC are the following:

- Delivering the Strategic Plan 2003–2008 to schedule.
- Absence of conflict of interest clause in the ACC Act. This is at present the case and has affected the anti-corruption drive of the ACC. Certain officials exploit the absence of such a clause to enrich themselves.
- Limited resources to deal with extra ACC work on the part of the Attorney-General and the Director of Public Prosecution. The Offices of the Attorney-General and the Director of Public Prosecution do not have enough staff to facilitate the cases of the ACC.
- The tendency for political interference. Members of the public regard political interference as responsible for the ACC failure to prosecute certain individuals for corruption.
- ACC lack of independence from government and the broader judicial system.
- The culture of silence. The fact that the Anti-Corruption Commission has to submit its cases to the Attorney-General and Minister of Justice means it is not totally free from political influence.
- Difficulties in gathering evidence. There is a tendency on the part of Sierra Leoneans not to report cases of corruption to state institutions. This is usually based on the fear of reprisals.
- Absence of public/national law for public officers to declare their assets. Collecting evidence is a very difficult exercise, especially where there is a culture of silence, and the lack of the necessary technical knowledge to facilitate the process in time for prosecutions.
- Lack of adequate logistics and trained personnel. The Anti-Corruption Commission is badly in need of qualified staff to run most of the sensitive areas, like investigations, auditing, etc.

Media

The Constitution of Sierra Leone (Chapter 3, Sections 24, 25 and 26) guarantees the basic freedom of expression of the press, of assembly and association. Over the years, there has been a proliferation of newspapers in Sierra Leone. There are 25 registered newspapers. Not all of them are regular, however. There is only one television station in Sierra Leone. This is the Sierra Leone Broadcasting Service (SLBS), which is state-owned and also has a radio component, FM 99.9. Apart from the state-owned radio station, there are several

frequency modulations (FM) stations nationwide. These include BBM, 98.1, (D), 96.2, Sky 103,106 FM Mankneh, SLBS FM station in the South East of Sierra Leone – Bo, Kenema, and Kono – Talking Drum Studio, etc.

The SLBS covers the whole nation. The government also operates a daily newspaper called *Sierra News*. It is manned by the Sierra Leone News Agency which also publishes a daily bulletin for subscribers only. The privately-owned newspapers that are regular include: *The New Citizen*, *Peep Magazine*, *The Democrat*, *The Concord Times*, *Standard Times*, *Salone Times*, *New Vision*, *The New Storm*, *Rokel Times*, *For Di People*, *Awoko*, *New Vision*, *The Independent Observer*, *The Exclusive*, *The Monitor*, *The Trumpet*. Both the governing and opposition parties operate newspapers (*The Unity* newspaper for the SLPP and *We Yone* (meaning Ours) for the opposition APC).

Institutional Supervision

In 2000, the Independent Media Act was legislated creating an Independent Media Commission. The functions of the Commission include among other things:

- To promote a free and pluralistic media throughout Sierra Leone;
- To ensure the media institution achieves a high level of efficiency in the provision of media services;
- To promote fair competition among media institutions and persons engaged in the provision of media services;
- To protect the interests of the public against exploitation of abuse by media institutions; and
- To promote technological research and the development of adequate human resources for the advancement of the media industry throughout Sierra Leone.

The Commission is mandated to advise the Minister of Information and Broadcasting on media policy formulation and development to ensure that the act is complied with accordingly; granting licenses to electronic media in Sierra Leone and the apportioning of air-time; maintaining a register of media institutions, newspapers and magazines published in Sierra Leone; establishing clear limits on media ownership; ensuring equal access to fair coverage in the broadcast media to all; compiling, adopting and implementing a media code of practice throughout Sierra Leone, etc. Compared to the Newspapers (Amendment) Act of 1980, all regulation must be carried out through the Commission and not through the Minister of Information and Broadcasting. The Commission consists of a chairman and ten other members, all of whom are appointed by the President acting on the advice of the Sierra Leone Association of Journalists, SLAJ, and subject to the approval of Parliament, which can make the decision to grant or refuse an application.

To a very large extent, newspapers and FM radio stations publish and air programmes respectively without much censorship. They do not have to submit articles or programmes before publication or distribute them among their programmes. Most of the private media institutions practise a form of self-censorship. This does not prevent them from discussing critically the challenges that characterise the country. In such areas as corruption, security, democratic governance, etc., the media in Sierra Leone has recently been critical. Government-owned media also discusses critical issues related to state security, corruption, etc., but is less directly critical of government itself. Government has come to realise that some of these issues must be discussed critically, in order to improve the atmosphere for democratic good governance. During the 2002 Parliamentary and Presidential elections campaign, opposition parties had access to the media (even the SLBS/TV - the government-owned media institution).

Media Licensing

Part Four A of the Independent Media Commission Act 2000 deals with licensing and registration of media institutions in Sierra Leone, including radio, television, and newspapers. In the area of radio and television broadcasting, Sections 15–23 deal with, among other things, qualifications, mode of application, granting and refusal of license, conditions, non-transferability of license, renewal, suspension and cancellation, appeals, and standards of performance. The licensing and registration of media institutions are determined by the Commission, which includes the Sierra Leone Association of Journalists (SLAJ) and representatives appointed by the government.

Since its inception, the IMC which covers radio, TV and newspapers, has only refused to grant operational licenses to the West Africa Democracy Radio (WADR). The other instance was an initial ban of the *African Champion* newspaper. The action by the IMC against WADR was interpreted in certain quarters as government interference. Despite the fact that a license application was submitted to the IMC, the IMC breached its own act by not responding to the application until after the statutory waiting period. To call WADR for an interview was another tussle. This was against the background that WADR had obtained two allotted frequencies based on recommendations from the IMC – the same Commission, however, refused to grant a license to the WADR on the grounds of national security.

Media Freedom and Censorship

Section 25 (1) of the Constitution guarantees every person freedom of expression and freedom of the press, and for the purpose of this section, this freedom includes holding opinions and receiving and imparting ideas and information without interference, freedom from interference with correspondence, dissemination of information, ideas and opinions, and academic freedom in the institutions of learning.

The primary legislation in relation to censorship in this area is Section 25 (2) (a) and (b) of the Constitution of Sierra Leone. There is also legislation affecting mass media in Chapters 111–114 of the laws of Sierra Leone, 1960. Chapters 111–113 are exclusively devoted to the print media, and Chapter 114 deals with “undesirable advertisement” and is intended to prohibit and restrict certain kinds of undesirable advertisements in the media. Chapter 111 regulates newspapers. Chapter 112 regulates publications and seeks to provide for the presentation of copies of books printed in Sierra Leone, and for the registration of such books and to repeal Ordinance No. 13, 1886.⁴⁷

The provisions of the Constitution as laid down in Sections 2 and 25 are complemented by Chapter III of the laws of Sierra Leone in the area of newspapers; Section 24 of the Independent Media Commission Act 2000 also requires the registration of newspapers and magazines. This registration should be done through application.⁴⁸

Freedom of expression can thus be limited. In order to protect its citizens, the state can enact legislation restricting the exercise of freedom of expression, particularly when it is in the interests of defence, public safety, public order, public morality, or public health. Similarly, it can do the same for the purpose of protecting the reputations, rights and freedoms of other persons; preventing the disclosure of information received in confidence; maintaining the authority and independence of the courts; regulating the telephone, telegraphic, telecommunications, ports, wireless broadcasting, television, public exhibition or public entertainment; or restrictions on public officers or members of a defence force (Section 25 (2) (a) and (b) of the Constitution).

To be valid, the restrictions must be shown to be reasonably justifiable in a democratic society. There are, however, laws that restrict freedom of expression, including:

- The Public Order Act No. 46 of 1965. Under this act, several journalists have been prosecuted for various media offences. It contains the offence of defamatory and seditious libel. Other sections create the offence of “knowingly publishing a false defamatory libel” and the offence of “defamatory libel.”⁴⁹

- The Public Emergency Regulations 1999. These regulations came into force on 15th April, 1999 and were made pursuant to the powers conferred upon the President by Section 29 (5) of the Constitution of Sierra Leone 1991. Regulation 10 stipulates consequences for the “publication of disturbing reports”, as follows:
 - o No person shall publish any report or statement, which is likely to cause alarm or despondency or be prejudicial to the public safety and maintenance of public order.
 - o Any person who contravenes sub-regulation (1) commits an offence and shall be liable on summary conviction to a fine not exceeding 500,000 leones or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.⁵⁰

Libel Laws

In the case of the State v Edison Yongai, the latter was the Editor of the *Point* newspaper in Sierra Leone. In an issue of the newspaper dated 12th July, 1996, the newspaper published a front page story headlined: “Corrupt Ministers”. It alleged that five government ministers, whose photographs were displayed on the front page of the paper, were corrupt. One of the ministers referred to in the story was the then Agriculture Minister, Dr. Harry Will. For publishing that story, Edison Yongai was arrested and charged with, inter alias, the offence of seditious libel. A week later, on 19th July, 1996, the newspaper also published two stories. One of the stories was headlined “Government Spends Le 30 Billion within 100 Days in Office”. The other was an editorial captioned, “Treat the Military with Seriousness”. For this later publication, Edison Yongai, who was already remanded in custody when the second publication came out, was subsequently charged with:

- Publishing a false defamatory libel, contrary to Section 27 of the Public Order Act No. 46 of 1965;
- Publishing a false report which is likely to injure the reputation of the government of Sierra Leone, contrary to Section 32 (3) of the Public Order Act No. 46 of 1965;
- Seditious publication, contrary to Section 33 (1) (c) of the Public Order Act No. 46 of 1965;
- Seditious publication, contrary to Section 33 (1) (c) of the Public Order Act No. 46 of 1965;
- Seditious publication, contrary to Section 33 (1) (c) of the Public Order Act No. 46 of 1965;
- Seditious publication, contrary to Section 33 (1) (c) of the Public Order Act No. 46 of 1965; and
- Publishing a false report which is likely to cause alarm to the public, contrary to Section 32 (1) of the Public Order Act No. 46 of 1965.

The seven-count indictment was preferred in the High Court in substitution for the earlier charges and, pursuant to Section 136 of the Criminal Procedure Act of 1965, a voluntary bill of indictment was preferred, thus dispensing with preliminary investigation in the magistrates court, as has become the practice in state prosecutions against journalists in Sierra Leone. Again, Edison Yongai continued to be remanded in custody and was only released after fulfilling rigorous bail conditions.

In recent times, journalists have also been prosecuted for offences under the Treason and State Offences Act 1963. Section 7 (1) (b) seeks to punish the wrongful use of information for the benefit of an external power, which information is considered to be prejudicial to the safety and security of the state. Under this section, three journalists of the *Expo Times* newspaper, including its Editor-in-Chief, Ibrahim Seaga Shaw, were prosecuted for

publishing an editorial captioned, “Abacha’s Wild West Gangsterism”. It concerned Nigeria’s military head of state, Sani Abacha’s arrest of the Revolutionary United Front (RUF) leader Foday Sankoh in Nigeria, allegedly for entering Nigeria with a pistol after the signing of the Abidjan Peace Accord between the RUF leader and President Tejan Kabbah of Sierra Leone in Ivory Coast. Another journalist formerly of the *Expo Times* newspaper, Conrad Roy, died in prison while being tried for offences under the Treason and State Offences Act of 1963.⁵¹

Media Coverage of Corruption

Articles on corruption in the media have mainly been covered by the private media, including newspapers and some FM radio stations. These include also statements on corruption by political leaders, the ACC and government officials. Such papers as the *Standard Times*, *For Di People*, *The Democrat* and *Peep Magazine* frequently carry stories on corruption. The *Standard Times* has been successful so far in investigating corruption at the Ministry of Education involving the then Permanent Secretary, Mr. Soloku Bockarie, who was later found guilty by the court and is presently serving a seven-year sentence. Despite the fact that corruption is rampant in Sierra Leone, not every newspaper will carry corruption stories. Among other things, the fact remains that gathering evidence to show that a corrupt act has taken place can be challenging, especially for journalists who do not want to be involved in investigative journalism. There is also the fear of being intimidated by the party concerned.

Development in the Media

At the moment, Sierra Leone does not have an Access to Information Act. This makes it difficult, if not impossible, for journalists to access very crucial information to expose corruption and bad governance. For the past decade, journalists have been advocating for an Access to Information Act.

The media in Sierra Leone is undergoing positive transformation. This has been complemented by the efforts of international donors, particularly DFID. DFID continues to fund media development projects in collaboration with the Ministry of Information, Fourah Bay College, SLBS, SLAJ, SLENA, the Thomson Foundation, and the British Council. The objective is to promote conditions of stability and security for development and poverty reduction, through strengthening good government by openness, transparency, and accountability. Major inputs, among others, include training courses by the Thomson Foundation, equipment for four stations plus SLBS, and vehicles.

Civil Society

The main legislation for the existence of Non-Governmental Organisations (NGOs), community-based organisations, religious organisations, social organisations, etc., is Section 26 91 of the 1991 Constitution of Sierra Leone, which states that unless with someone’s consent, no person shall be prevented from enjoying his or her freedom of assembly and association, by having the right to freely assemble and associate with other people, even to create a political party, trade unions, or other economic, social or professional associations, national or international.

The existence of other bodies is also regulated by Section 249 of the Companies’ Laws of Sierra Leone 1963, which regulates the incorporation of companies, while the Regulation of Wages and Industrial Relations Act of 1971, Article 7, deals with the registration of trade unions. The registration of NGOs is regulated in accordance with the Rules for NGOs Registration, which is under the control of the Ministry of Economic Development and Planning. It is traditional practice for social, religious and CBOs to register their organisations with the Ministry of Social Welfare, Gender and Children’s Affairs.

Civil society organisations perform crucial roles in the socio-economic and political development of Sierra Leone, such as the Campaign for Good Governance, an NGO that monitors government delivery services and also sensitises the public on fundamental

human rights. The Campaign for Good Governance primarily deals with issues of good governance through the sensitisation of the public, and networking with other civil society groups on national issues concerning governance. It is funded extensively by DFID, and the Open Society Institute West Africa, etc. It is the first and largest NGO in Sierra Leone which monitors government delivery of social services. It has an Advisory Board, is headed by a Coordinator, and is divided into Governance and Human Rights Departments. Another organisation is the National Accountability Group (NAG), which is an NGO aimed at sensitising civil society, on the one hand, and government institutions, on the other, about the need for accountability and transparency. It has an Advisory Board with an Executive Director and a programme management team. NAG is one of the organisations involved in fighting the challenges of corruption, and has links with Transparency International and the SOROS Foundation.

Organisations, such as Forum of Conscience, Sierra Leone Canada Watch, Lawyers Centre for Human Rights (LOCLA), Human Rights Watch, No Peace without Justice, etc., monitor the impact of government policies regarding human rights, while the Consumer Protection Society of Sierra Leone advocates the rights of consumers, and 50/50 FAWE, Sisters United, etc., are concerned with the improvement of the socio-economic, political and legal status of women in Sierra Leone. Transparency International fosters preventive measures to the challenges of corruption through the National Accountability Group in Sierra Leone.

Problems and Limitations

Civil society in Sierra Leone has not been too successful in carrying out its function of making government accountable and transparent in its operations, because of its numerous problems and limitations. Civil society organisations lack the resources crucial to their progressive development. There is the need for financial and social mobilisation, if civil society is to create an enabling environment aimed at its independence. Civil society organisations do not have free access to information, because of the absence of a Freedom of Information Act. This presupposes that government can only disclose the information it chooses to make public. The disclosure of any information on the part of a public servant to any civil society organisation, therefore, must be authorised by government. On the other hand, the relationship between government and civil society groups in Sierra Leone has been, to a great extent, cordial, except for certain development and service NGOs, that do not want to operate in accordance with the rules and regulations laid down by the Ministry of Development and Economic Planning.

Regional and Local Government

Sierra Leone is a unitary state that is highly centralised. For administrative convenience, Sierra Leone is divided into four regions – Western Area, Eastern Province, Northern Province and Southern Province. The provinces are then divided into Districts and the Districts into Chiefdoms. There are 12 Districts with a total of 149 Chiefdoms. Sierra Leone in its entirety is governed by 172 local government bodies consisting of the following:

Table 4 Local Government Bodies

Freetown City Council	1
Rural Area Council (the umbrella organisation for the Rural District Councils)	1
Four Rural District Councils: Waterloo, York, Mountain and Koya	4
Five Town Councils: Bo, Kenema, Makeni, Koidu, New Sembehun	5
Twelve District Councils	12
Chiefdom Councils	149

All the above Councils fall into four categories:

- Chiefdom Councils;
- District Councils (provinces);
- Rural District Councils (Freetown Peninsula);
- City/Town Councils.

The Ministry of Local Government and Community Development is responsible for local government in Sierra Leone. It has three main divisions:

- Administrative Division;
- Local Government Division;
- Rural Development Division.

The Administrative Division is headed by the Senior Permanent Secretary who coordinates the activities of the other two divisions. The Senior Permanent Secretary works under the political direction of the minister who is responsible to Cabinet.

The ministry's activities encompass the whole nation involving the administration of villages, towns, districts, provinces, and city councils. Each province has a Resident Minister and Provincial Secretaries respectively, who are responsible for overseeing the administrative functions of government departments in the provinces. The Provincial Secretary is appointed by the Public Servant Commission. Among other things, he is responsible for the coronation of Paramount Chiefs. He presides over the Provincial Security Committee. He serves as Chairman of the provincial committee that oversees the affairs of district councils. He is the link between the province and the rest of government.

The legislation giving legal status to local government bodies and even that of elections is found in many principal acts in different chapters and different volumes of the laws of Sierra Leone. At independence and till 1972, the local councils were elected bodies practising grassroots democracy and representative governance. In 1972, the elective aspect of the councils was formally suspended by the central government. Since then, Sierra Leone as a nation has been operating a highly centralised system of administration. The councils were replaced by Management Committees appointed by government and responsible to it. The Committees were funded by both government and revenue collected from the districts concerned. These Committees were, however, characterised by corruption, since they were not accountable to the people. The Local Government Act 2004 now contains the main legislation on local government.

The only elective aspect of local government after 1972 was the election of Paramount Chiefs as the institution was entrenched in the 1991 Constitution of Sierra Leone. The electoral process was characterised by political interference, which led to the enthronement of unpopular figures as Paramount Chiefs, which made governance in many of the chiefdoms impossible and was a contributing factor to the 11 years of civil war.

The actions to suspend the elective aspect of local government throughout the country and replace them with Management Committees led to over-centralisation of government powers and functions in the capital city of Freetown, and the consequent exclusion of the majority of Sierra Leoneans in the planning, implementation, and management of developmental activities affecting to a large extent the rural population, where a greater percentage of the people live. The decline of local government resulted in a rapid decline of democratic good governance practices, which manifested themselves in poverty, corruption, and poor service delivery, especially in the rural areas. For the past three decades, the people of Sierra Leone have been deprived of their franchise to determine who should represent them on the local councils. Management Committee members appointed by government to facilitate the affairs of the council were not chosen by the people and were not fully committed to their respective tasks.

Local Government Reform and Decentralisation

The Parliament of the Republic of Sierra Leone on the 4th March, 2004 adopted the Local Government Act 2004 which provides for the decentralisation and devolution of functions, powers, and services to Local Councils. On the 22nd May, 2004 District Council elections were held all over Sierra Leone in 149 chiefdoms. According to Part 5 of the Local Government Act, Local Councils are the highest political authority in their respective localities. They have legislative and executive powers in accordance with the act. They are responsible for promoting the development of the people of their various localities, using the resources at their disposal and with such resources and capacity that can be mobilised from the government and its agencies, national and international organisations, and the private sector.

A Local Council is now responsible primarily for mobilising human and material resources for the overall development and welfare of its people. This will also be complemented by promoting and supporting, initiating and maintaining programmes aimed at the development of various localities. The Local Council is to be responsible for the development, improvement, and management of human settlements and the environment. It initiates, draws up and executes development plans, and also coordinates and harmonises the execution of programmes and projects undertaken by other institutions. In the area of security, the council should cooperate with relevant agencies. The Local Council is to oversee Chiefdom Councils in the performance of functions delegated to them, and also approve their budgets and their implementation.

Local tax rates are determined by the Local Council. In the various devolved functions, the councils will be complemented by the relevant government ministries through the responsibility for policy matters, provision of technical guidance, and monitoring the performance of the functions of the local government. No ministry or department shall prepare any project that affects any Local Council without consultations.

A Local Council can also delegate any of its functions to the Chiefdom Council and can cooperate together in the performance of the functions of its councils. Chiefdom Councils will, however, continue to perform the functions provided for in the Chiefdom Councils Act, even that of the prevention of crime, illegal gambling, making and enforcing by-laws, and holding land in trust for the people of the chiefdoms.

Part two of the Local Government Act established Local Councils. Every Local Council shall consist of at least 12 members, including the following:

- The Chair Person;
- Elected Councillors from localities elected by universal adult suffrage;
- A number of Paramount Chiefs in accordance with part two of the first schedule, selected by the Paramount Chiefs in the locality to represent their interests.

Anyone can become a member of a Local Council as elected Councillor through an election by the people. The interested individual can either stand under a political party or as an independent. One is only qualified to contest as a candidate if one is a citizen of Sierra Leone and has attained the age of 21 years, is registered and lives in the ward, and has paid up all taxes and rates in that locality as required by law. Disqualification for elections to a Local Council occurs if that person is already employed by the Local Council, is insane, has served a sentence for fraud, dishonesty or violence and has not received free pardon, has been disqualified for professional misconduct, is a Parliamentarian, member of the Armed Forces, Police, Judiciary, Electoral Commission, Civil service, Paramount Chief, Chiefdom Speaker, Minister, etc. The duration of each Local Council is four years. A Councillor's seat can become vacant due to the death of the Councillor; resignation, disqualification in accordance with the act; absence for more than three meetings consecutively without permission; and failure to observe the conflict of interest clause even pertaining to contracts. A Councillor may appeal to the High Court of Sierra Leone if aggrieved by a decision of a Local Council.

The Councillor shall be the link between the chieftdom and the council. According to the act, each Local Council will have a Chief Administrator as Secretary and head of the administration and shall be appointed by the Local Council after consulting the Commission. The Local Government Service Commission is established by the act in Part 6, Section 35. This Commission consists of eight individuals including the chairman, representatives from the Local Government Ministry, Public Service Commission, Establishment Secretariat, and four other persons with extensive knowledge of local government, three of whom shall be women. Like all Commissions, its members are appointed by the President with the approval of Parliament. The Commission shall meet at least once every three months and shall be responsible for providing regulatory performance management and management functions to the decentralised government established under the Local Government Act 2004.

The present act has important provisions that will enhance democratic good governance. It is geared towards open governance and the participation of the people at the chieftdom level. It is argued, however, that the partisan psyche that will characterise District Council affairs might act as a spoiler, particularly at the district and chieftdom levels, where cooperation remains crucial if any positive development is to take place. This would also affect grassroots participation and endanger the rationale behind the philosophy of decentralisation.

The act contains an important part that deals with transparency, accountability and participation, as follows:

Transparency and Accountability

Prior to the suspension of the elective aspect of local government in 1972, which automatically led to the demise of the Local Councils, the District Councils lacked transparency and accountability. They were characterised, among other things, by the lack of tax expenditure control, poor quality of staff employed, favouritism and nepotism, lack of conflict of interest clauses, political party interference, and absence of the sense of civil responsibility. The lack of transparency and accountability has plagued District Councils as far back as the early 60s. The colonial government was under pressure as to whether or not District Councils should continue as organs of local government.

This was against the background that year after year, audit reports turned up a depressingly consistent pattern of mismanagement and misappropriation of funds available. In 1962, a Parliamentary Subcommittee, the Public Accounts Committee, was set up to look into the national accounts, including those of District Councils. The findings and recommendations of the Public Accounts Committee led to the suspension of District Councils and their replacement with Committees of Management, comprising District Officers and Paramount Chiefs between 1962-1965 and 1972 respectively.

The 2004 act requires every Local Council to keep proper books of accounts and proper records in relation to their accounts, as well as the preparation of financial statements every year. Local Council accounts and financial statements are audited by the Auditor-General every year. The Auditor-General has the power to disallow any item of expenditure that is contrary to the Local Government Act. Similarly, the Local Council Chief Administrator must ensure that there is accountability and transparency in the management and delivery of Local Council services.

During the extensive consultations that were conducted, it was decided that there must be transparency and accountability. Thus to ensure good governance, the Act on Decentralisation states that measures and regulations are required to ensure financial accountability and transparency, asset management, and an independent audit.

The Local Government Act established councils that are democratically elected and locally responsible and accountable, aimed at ensuring an open door for participatory democracy to become a real and positive force.

The District consultations recommended that issues concerning fiscal discipline and financial probity should be highlighted, and structures set up in place to ensure transparency and accountability. According to Part 15 of the Local Government Act 2004,

Section 103, every Councillor appointed or assigned member of staff of the Local Council shall be subject to the Anti-Corruption Act 2004. The Local Government Act of 2004 in Section 104 stipulates that every Councillor, appointed or assigned member of staff of each Local Council, not later than thirty days after assuming or leaving office, shall make a declaration of assets as may be determined by the Anti-Corruption Commission.

Every Local Council must make an annual inventory of all council assets. Revenues must be documented in receipts. There are also penalties for any member of staff of the council who commits a corrupt offence to be liable to a fine of up to Le 10 million or to a term of not more than three years' imprisonment. All the activities of Local Councils must be made public by law according to Section 107 (1) (a)-(8).

Anti-Corruption Activities

Anti-Corruption Legislation and Institutions

Before the enactment of the Anti-Corruption Act in 2000, corruption was dealt with under the penal code. Commissions of Enquiry were also set up by government to probe corruption; for example, the National Provisional Ruling Council (1992-6) instituted a Commission of Inquiry to probe former ministers and top government officials of the APC government, including also parastatals. Since 1996, the government has enacted several Acts of Parliament revolving around minimising corrupt practices in government institutions by its officials. The Acts of Parliament and more are intended to ensure good governance. The enactment of the Anti-Corruption Act 2000 was unique, since it created a special institution to deal primarily with probing corruption crimes, not only in the public domain, but also in the private sector. The move by government to secure the services of two Judges and a Prosecutor from the Commonwealth sponsored by DFID, and also the recruitment of four Consultants for the Law Officers Department to deal specifically with corruption cases will also go a long way to improving the impartiality of the ACC. It will also strengthen its independence on the one hand, and on the other, discharge its duty more effectively, thus gaining more credibility on the part of the body politic.

Since the inception of the ACC in 2000, corruption remains rampant even in government departments. This has been due to several reasons including the conspiracy of silence, where people who know about the existence of corrupt practices fail to inform the appropriate authorities for action to be taken and delay bringing corrupt officials before the law. Despite the introduction of the ACC Act and the President's determination to fight corruption, many politicians, public officers, civil servants and their accomplices, are still bent on betraying public trust and civic responsibility for personal gain.

Anti-Corruption Initiatives

There are several bilateral and multilateral donor agencies and embassies based in the country, these include: DFID, UNDP, IFES, NDI, USAID, the Thomson Foundation, OSIWA, GTZ, the World Bank, IMF, European Union, CIDA, Westminster Foundation, and British Council. Donors have supported the following anti-corruption initiatives:

- Ethics Accountability and Transparency Seminar in Governance, USA, 22 July–10 August 2001, hosted and funded by the US Department of State International Visitors' programme.
- Seminar on Capacity Building for Oversight and Watchdog Institutions, Abidjan, Ivory Coast, 25–27 June 2001, funded by Joint African Institute (JAI), World Bank and African Development Bank.
- DFID and the World Bank funded the Country Financial Accountability Assessment in 2002.
- DFID funded the World Bank Country Profile of Financial Accountability Study to review the computerised information systems supporting the Budgeting, Internal Control, Accounting and Financial Reporting components of public expenditure.
- EU funded the recruitment of skilled contact personnel in the AG department and budget programmes in areas such as:
 - Improved budget preparation, budgetary control and expenditure management.

- o Improved expenditure accounting, monitoring and reporting.
- o Reduced fraud and waste.
- o Fair, efficient and sustainable system for raising revenue.
- o Improved sustainability through institutional strengthening and capacity building.
- UNDP contributed to the funding of the costs of Public Expenditure Tracking Survey (PETS) from January–June 2001. A key objective of the survey was to track expenditures from the central ministry, the headquarters in Freetown, to regional and district offices, and to measure improvements in the quality of service delivery at facility and community levels using indicators from the 2000 Baseline Service Delivery Survey.
- USAID funded education for peace (which included over 10,000 ex-combatants), also providing training in self-awareness, individual rights, literacy.
- UNDP/IAPSO funded an assessment, evaluation and description of Sierra Leone procurement functions.

The ACC, however, has been gradually developing its capacity through donor funding, particularly from DFID, through sponsorship of study tours of commissioners or staff members, sponsored training of personnel, provision of equipment (computers and accessories), provision of vehicles, and rehabilitation of infrastructure, such as the law courts, etc.

Sierra Leoneans continue to create civil society organisations and this is evident especially in post-conflict Sierra Leone. They are mainly dependent on external donors for their funding. Almost all the projects undertaken by civil society are to a large extent funded by external donors. Civil society groups range from organisations dealing with issues such as human rights, corruption, women's empowerment, legal profession, farmers, businessmen, religious, media, academic students, trade unions, youth, etc. A great deal of sensitisation has been done and continues to be carried out on corruption, human rights, etc.

Donor support to governance institutions has been crucial to the successful activities undertaken by the institutions and it would have been impossible without this support. At the moment, civil society has not been able to mobilise domestic resources for the successful implementation of its projects, also due to inadequate funding from the government. Donor funding has been crucial, therefore, to the successful implementation of the ACC, even with government funding from the consolidated fund.

Local organisations, despite the funding they receive from international NGOs, are having problems in building up the capacity of their organisations. This is so, because the usual practice for donors is not to support the payment of salaries, rent for the premises, etc. Funding is usually limited and there are few donors around. This lack of institutional support limits to a great extent the effectiveness of civil society organisations. Except for a few local NGOs, the life span of the majority is very short.

Donor aid seems to be ineffective, primarily because of the duplication of activities on the part of civil society. Within the context of limited access to funds and very few donors, there is a need for aid coordination, characterised by networking between government and civil society. Most civil society organisations do not last very long in order to have an impact, even with donor funding. Officials in local NGOs do not envision a secure future, since aid could be stopped suddenly. Governmental governance institutions, however, operate in a different environment, since they obtain funding every year from the consolidated fund, and officials there receive relatively better salaries than local NGOs performing similar functions. Most of the governance institutions that have been supported by donor funding, such as the Police, Judiciary, Local Government, ACC, AG's Office, Army, etc., have manifested positive impacts and the results so far are encouraging. Political interference has been greatly minimised, since government is aware that it will militate against donor assistance by destroying these governance institutions.

Donor Cooperation and Coordination

The government has set up a National Directorate Development Assistance Coordinating Office (DACO). In collaboration with its development partners, it came to this realisation by recognising the need for aid coordination. For some time now, aid has been characterised by fragmentation. The Consultative Group (CG) meeting in Paris in November 2002, resolved to overhaul the aid management landscape in Sierra Leone. The aim, among others, is to support dialogue on policy issues between government and donors, to ensure effective external assistance coordination, tracking, monitoring, and evaluation, to achieve increased and effective utilisation of external resources. DACO will be chaired by the Vice President and headed by a National Director.

Priority Areas and Areas for Possible Donor Support or Intervention

Without doubt, Sierra Leone has a significant amount of the basic components for a National Integrity System. In 2000, the Anti-Corruption Commission was set up within the context of several Acts of Parliament, aimed at improving the Integrity System in Sierra Leone. Given the resources, the ACC has the potential to carry out its mandate. The Judiciary, with the intervention of DFID, is gradually transforming itself into an institution that upholds the Justice System. The new civil service code, which has not yet been made public, will go a long way to improving the performance of the civil service which has not been performing well. At least there will be a code long overdue which will surely affect the operations of the service. There is a proliferation of civil society groups, and despite the lack of adequate resources, these groups continue to impact society by gradually becoming a watchdog against government corruption. The National Accountability Group is slowly taking off as a civil society anti-corruption organisation, creating awareness on challenging corruption as a preventive measure for lasting peace in nation building, aimed at sensitising the Sierra Leone public on the dangers of corruption.

The Police Force is gradually distancing itself from its corrupt past as well, and moving towards and imbibing the culture of transparency and accountability. It has come to realise that political influence will lead to the erosion of the integrity it is trying to build and which it must have, if it is to become an impartial, arbitrary body dispensing justice through the due process of law.

The state media must also try to play such a role, by giving access to dissent. Local government will gain its integrity when it will be decentralised, thus putting an end to over three decades of bungling ineptitude. The National Electoral Commission proved its integrity by organising the May 14th, 2002 Parliamentary and Presidential elections, widely acclaimed as free and fair and a contributing factor to relative political stability.

Key Areas or Issues Requiring Immediate Intervention

- Lack of codes of ethics and the requirement for all in public life to declare their assets.
- Lack of a conflict of interest clause to ensure that civil servants do not use their public position to influence the purchase by government ministries and departments of goods and services, from firms in which they have financial interest.
- The ready acceptance of corruption as a way of life, to the extent that corrupt persons are admired while less corrupt people are scorned.
- Ensuring genuine autonomy to the ACC that is devoid of any form of political influence.

- Poor remuneration and conditions of service in the public service is usually a contributing factor to corrupt practices on the part of public servants to augment their low salaries.
- In the interest of openness and transparency, all donations to political parties must be made public.
- The acceptance of bribes, gifts, and other dishonest inducements, are sometimes seen as necessary for survival in a country where salaries are low.
- Strengthening linkages between the ACC and other institutions in Sierra Leone to achieve an anti-corruption strategy.

Discussion of Key Issues

The NIS

The National Integrity System in Sierra Leone has not been operating well, thus it also has not been able to combat the rampant corruption that has so far characterised the country. To ensure, therefore, the effective operation of the system, the following crucial issues must be taken into consideration.

Political Will

The Anti-Corruption Survey 2000 came out with the view that corruption is a very serious problem in Sierra Leone. For decades, corruption has pervaded every facet of society and has even become a way of life, or a norm, to the extent that corrupt persons are admired while less corrupt people are scorned. Dissatisfaction has been expressed by focus groups during the Anti-Corruption 2000 Survey with government efforts to tackle the problem of corruption. However, a few believed that government was making some effort and therefore should be commended. Government is said not to be doing much in the fight against corruption, because of lack of institutional safeguards, lack of political will to take punitive measures, pervasiveness of corruption sanctioned by society, and lack of cooperation from the public.

Perhaps a demonstration of political will has been manifested by government through the adoption of a new Civil Service Code, the first comprehensive update in several decades. The new code includes several innovative measures designed to improve performance and reward merit. The Civil Service College has also been reactivated. The new civil service structure will not only take into account the need for managerial competence and professional performance, but will also ensure transparency and the confidence that careers will not be jeopardised by unwarranted political interference, which will become part of an important aspect of the restructured Civil Service Code. In the area of public expenditure management, government has attached a high degree of importance to probity, transparency, accountability, and efficiency in the management of public resources. Government is now reviewing its expenditure profile to minimise leakage of public funds. Community Budget Oversight Committees have been established in all the 12 Districts, and a Procurement Reform Steering Committee has been instituted to monitor the whole process and to blow the whistle when necessary. A Second Public Expenditure Tracking Survey (PETS) was conducted in August 2000 to ensure accountability in the use of public funds. This was carried out with the collaboration of the World Bank and DFID under a limited Country Financial Accountability Assessment (CFAA). This will also strengthen the Office of the Auditor-General.

DFID and the Commonwealth Secretariat facilitated the recruitment of two Judges and one Prosecutor for assignment to Sierra Leone to handle corruption cases specifically. This will help not only to increase autonomy, but also speed up trials on corruption and perhaps reduce ACC dependence on other Judges who are overburdened with cases. These and more are, perhaps, a pointer to government's commitment to fight corruption and thus a manifestation of political will.

Need for Capacity Building

The history of all the institutions that were created to combat the corruption menace in Sierra Leone depicts a picture of the need for increased resources. Since the inception of the ACC in 2000, it has been suffering from lack of capacity. The ACC Community Relations and Prevention Departments are in need of additional trained staff, if both departments are to build up the partnerships and coalitions necessary to impact corruption at all levels. The fact that the ACC is far from becoming nationwide is a testimony to the lack of

necessary funding for it to have a greater impact. The ACC also lacks improved skills in auditing, accounting, and computing. The funding from both government and donors, particularly DFID, is not enough to meet the financial requirements of the ACC, which is poised to expand its activities nationwide.

The situation of local non-governmental organisations is even more precarious, as they have limited access to funding and thus lack the capacity to make them effective or even enable them to continue existing.

Despite the capacity-building efforts on the part of donors, such as, DFID, UNDP, etc., in the Accountant-General's Office, the Civil Service, Office of the Ombudsman, Police, NCDHR, Judiciary, Parliament, etc., there is still much to be done to ensure sustainability.

Donor Good Will and Support

The fight against corruption is not only limited to the activities of the ACC. There is a causal relationship between the fight against corruption and other departments and organisations, which include the Accountant-General's office, the Civil Service, the Police, Judiciary, Parliament, Government Ministries, etc. Despite government commitment to ensuring good governance in all the crucial departments of state, it has a major constraint – the lack of funds. Since most of the programmes are donor driven, perhaps this will be so for some time to come. There is also a risk of not being able to sustain them over time, if the government does not have the capacity to generate enough to be able to provide the necessary budget.

Only with continued donor good will and support will government be in a position to bring about the necessary reforms that will in turn yield positive results in the fight against corruption. With government commitment to reforms, it is anticipated that donors may provide budget support to promote development and good governance.

Conditions in the Public Service

The conditions of service characterised by low salaries and wages affect the public service as a whole and even law enforcement officials. Poor conditions of service were identified by the Anti-Corruption 2000 Survey as the first cause for corruption. This situation does not only breed corruption, but is also a disincentive for highly qualified personnel to work in such institutions. The number of state counsels in the Office of the Attorney-General has diminished over the years, because of poor remuneration. Many graduate lawyers prefer to engage in private practice. This has affected the justice system, resulting in the delay of justice.

Government must, therefore, make efforts to improve conditions of service for public servants, and also the general living standards of Sierra Leoneans, since problems of poor conditions of service and living standards contribute to corruption, as revealed by the Anti-Corruption 2000 Survey.

Admiration for Corrupt People and Scorn for the Less Corrupt

Despite the fact that corruption constitutes a very serious problem in Sierra Leone, yet it has become a way of life, even a norm, to the extent that corrupt people are admired, while less corrupt people are scorned. For the past ten years, public officials and corrupt politicians have been accepting bribes, gifts and other dishonest inducements, which have been seen as necessary for survival in a country where salaries are low. Officials will also look out for opportunities to meet their needs, the strong minded who are in the minority will resist the temptation of using corrupt means, while the weak minded always give in to corrupt practices. In the absence of strong institutions to clamp down on corruption, they do so with impunity. They usually build luxurious houses, ride flashy cars and live a very enviable life style. These are the people who are admired by the public for becoming part of the elite through corrupt means. It is only through raising public awareness that the people of Sierra Leone will put an end to the admiration of corrupt people and the need to fight corruption, since it is also the factor that has been responsible for underdevelopment. The ACC has started to provide leadership in that direction.

Need for Speedy Trials

The justice system in Sierra Leone has been suffering from a situation where justice has been delayed for over a decade, in the case of the courts, and months for cases from the ACC sent to the Office of the Attorney-General and Minister of Justice for prosecution. Despite the law reform programme funded by DFID, there is a shortage of qualified lawyers and judges to ensure the expeditious facilitation of cases in the courts. Government must carry out, among other things, the revision of laws, and provision of needed additional resources for the Offices of the Attorney-General and Director of Public Prosecutions. The capacity of both the police and the DDP's office should be improved so that the process of prosecution will be effectively carried out. There should also be cooperation between the two departments.

The training and installation of 86 Justices of the Peace (JPs) and support staff, will not only ease the pressure of work on the magistrates, but also reduce the backlog of cases, shorten the length of pre-trial detentions, and limit the delays of trials. The training process and installation process was funded by the UNDP. Similarly, the recruitment of two Judges and one Prosecutor, and the recruitment of four consultants for the Law Officers Department by DFID and the Commonwealth Secretariat respectively, for assignment to handle corruption cases of the ACC specifically will go a long way to speeding up the cases. This will have a deterrent effect of considerable importance, since it will give the corrupt less opportunity to influence unlawfully the outcome in their favour. Ensuring swift justice will enhance the justice system.

Need for a Credible Police Force

For the past 30 years, the integrity of the Sierra Leone Police Force has been compromised by political patronage. This resulted in the erosion of public confidence in the police force. With DFID funding, however, the police force is gradually becoming a force for good. There has been improvement in the professional competence of the police, characterised by an extensive infrastructure development and heightened motivation at all levels of the police force.

The rehabilitation process has almost been accomplished, while logistics like transport and communications assets have also been improved considerably. The police can now respond to any threat to peace anywhere in the country. These transformations were made possible under the leadership of Mr. Keith Biddle, OBE. This transformation must be sustained. The Sierra Leone Inspector-General of Police should ensure that the police force is well-trained, efficient and reliable. Conditions of service must be improved, and the structure put in place within the police administration to reduce opportunities for corruption, must be strengthened. The police should have the opportunity to pursue professional courses abroad, respect for the rule of law and human rights, refrain from political influence, administer justice impartially, etc.

Genuine Decentralisation of Power to Local Councils

For over three and a half decades, District Councils proved problematic. They were suspended in 1972. Even when they were functioning, they did not produce the desired results and became a non-viable entity. In 2000, Management Committees were appointed to resuscitate the District Councils.

The decentralisation programme of government, however, will change the whole equation of local government in Sierra Leone, since a basic principle of the draft law is that councils must be given substantial autonomy and discretionary authority to decide upon their own affairs without interference. The supervisory role of the government, therefore, is strictly limited to legality, by ensuring that councils have not exceeded the scope of their functions and have complied with legislative procedures.

No national government authority has legal competence to substitute its own decision for the decision of a council, or to take any decision on behalf of a council, except to ensure statutory compliance with its operations, monitoring and supervision, to enhance

government through the provision of capacity and support, and not as a domineering or punitive enterprise.

If the council violates the law, the Ministry of Local Government and Rural Development will intervene with the dismissal of all councillors and the setting up of an interim management, and an immediate interim election will be held to replace the council.

The new local government dispensation should take into account the remuneration of local government workers. This will help to attract well-qualified and well-motivated workers. It will also reduce corruption.

Although the past District Council elections were conducted on a partisan basis, more thought should be given to a non-partisan approach to obtain the best results not limited by political consideration, while the mode of election of the chairperson should be by direct ballot to ensure the legitimacy of the chairperson.

Building capacity for effective decentralisation must also be carried out, particularly for the newly created District Councils, which will need trained personnel who can ensure the translation of the Local Government Act 2004 into reality.

A New Vision for Sierra Leone

The elections in 1996, which led to the democratically elected government of President Ahmed Tejan Kabbah, brought hope to Sierra Leoneans that it will only be a question of time before good governance will be restored in the country. Despite the 11 years of civil war, the Tejan Kabbah Administration has adopted legislation and created institutions that will ensure good governance. In 2000, the government created the ACC with a mandate to tackle and confront all aspects of corruption, whether on a large or a small scale. A policy of "zero tolerance" has been adopted when it comes to the challenges posed by corruption in any of its forms. Two Judges and a Prosecutor have been assigned to Sierra Leone to handle specifically corruption cases. This will allay fears on the part of certain people that the government cannot provide the necessary political will to ensure the effectiveness of the ACC.

Despite the fact that the SLPP government has 83 seats (the opposition has 29 seats, APC 27 seats, and PLP 2 seats respectively), the new Parliament so far has not adopted unpopular legislation. In fact, President Kabbah has called for "a new coalition for national development", and both government and opposition parties seem to be cooperating for national development.

The MPs, however, need to be capacitated, since most of them are new to the work of Parliament. The effective functioning of the 33 Parliamentary Committees will depend on the knowledge and skills of the Members of Parliament. The Ministry of Parliamentary and Political Affairs should design programmes aimed at the development of the human resources capacities of Parliamentarians, which will help them discharge their functions. This also includes the general staff of Parliament in need of training, as well as qualified staff who can complement the efforts of Parliamentarians even in the field of research. According to the 1991 Constitution, Section 105, Parliament is the supreme legislative authority in Sierra Leone.

The establishment of the Office of the Ombudsman will also contribute to mitigating the abuse of power by public officials. The fact remains, however, that the office should be capacitated if it is to become effective nationwide. Its present staff of nine should be increased to enable its presence to be felt, at least in all district headquarter towns. Both the Office of the President and Parliament should ensure that timely responses are given to the reports of the Ombudsman. The office should also be given enforcement and disciplinary powers. The office also needs more publicity, since it is a recent phenomenon in Sierra Leone. It should have attractive conditions of service to enable it to have qualified staff who will contribute meaningfully to the effectiveness of the Office of the Ombudsman.

Effectiveness of Government and Donor Activities

Despite the setting up of the ACC Commission, government does not have a comprehensive strategy or plan of action for fighting corruption. What government has done so far constitutes only the necessary first steps in the design of a national strategy. Corruption should become an agenda item in Cabinet discussion. Government must also extend responsibility to every ministry and department and encourage them to announce their determination to fight corruption, waste, and inefficiency in the areas under their control. Government must not only focus on punishment, but also on preventive measures.

Donor intervention has been very crucial in the areas directed to combat corruption. The ACC has been doing a lot in the area of sensitisation, due to the support given to it by DFID. This also includes building the capacity of the Anti-Corruption Commission in the provision of equipment, vehicles, training of personnel, and sponsoring of air tickets to facilitate the participation of officials in other anti-corruption institutions. Though the interventions of donors have been helpful, they have not brought about the desired impact nationwide, because of the limitation of funds from both government and donors.

The inadequate operational fund has limited the expansion of the scope of activities of the ACC, which could have greater impact all over the country. There is a need for more government and donor intervention in the areas of investigation and prosecution. The recruitment of two Judges and a Prosecutor, sponsored by DFID and the Commonwealth Secretariat will impact these areas, since before now they have been pitifully slow. The Police Force has been receiving support from DFID, which has helped to capacitate this institution in the effective execution of its functions with regard to arresting and prosecuting corrupt people. Training of police in the area of prosecution has also been carried out under DFID sponsorship. The DPP, however, has constraints, such as the lack of logistics to facilitate crucial proceedings against violations of the law, while conditions of service are also poor. Despite the fact that, since the inception of the ACC, the process leading to the successful prosecution of cases on corruption has been very slow; recent developments characterised by the recruitment of the two Judges and a Prosecutor to deal exclusively with cases on corruption will bring about a positive change.

Priorities and Recommendations

Despite coming out from 11 years of destructive civil war, the fact that corruption constitutes a very serious problem in Sierra Leone, makes it incumbent on government to give it very serious attention. It is recommended that priority must be given to prevention. This should involve:

- The intensification of public education on the evils of corruption and for the public to have zero tolerance for corrupt leaders, individuals, public officials, and businesses.
- Development of codes of ethics and the requirement for all in public life to declare their assets. It is highly recommended that the code should also contain a conflict of interest clause to ensure that civil servants do not use their public position to influence the purchase by government ministers and departments of goods and services, from firms in which they have financial interests. Public officers should maintain a gifts register where they can record instances and the circumstances under which they were offered any advantage. The code should also contain appropriate disciplinary measures for any violation of standards on the part of public officers.
- Building and/or enhancing the capacity of public officials, through education and training programmes, aimed at making them meet the requirements of correct, honourable, and proper performance of public functions.

- Institutions created to curb corruption, such as the ACC, DPP, Police, Office of the Ombudsman and Auditor-General should be assisted, in order to enhance their capacity, through specialised training of their staff and support of their programmes.
- Constitutional and legislative reforms should be supported by donors and government, as well as the political will to make such reforms.
- Ensuring the autonomy of anti-corruption institutions, by strengthening their operational and organisational independence.
- Repeal media and libel laws that limit media freedom, and the enactment of a Freedom of Information Act.
- Ensuring openness and accountability on the part of political parties by regulating their funding, their politicians and others in public positions, and introducing systems and procedures that aid transparency and provide an audit trail.
- Enactment of a code of ethics governing public sector procurement in Sierra Leone, to provide:
 - Equal and fair treatment to compete for contracts and equal treatment of bidders throughout the procurement process afforded to all.
 - Specially appointed watchdogs to review the decisions of the procurement agency; the staff of such an organisation should be made clearly aware that they are accountable for all their official actions.
 - Well-defined regulations.
 - Procurement for all procuring entities must be centralised. However, the organisation responsible for handling procurement should have a decentralised structure and should be able to serve both local and central government.
 - Procurement should be done at the right time, for the right amount and the right quantity.
 - Regular monitoring of companies, individuals, and procurement officers to ensure that they are not involved in corruption; if found corrupt, they should be blacklisted or sacked as the case may be.
- Protection of whistle blowers.
- Involvement of law enforcement agencies and civil society in ensuring that due regard is given to the report of the Auditor-General and the Ombudsman.
- Ensuring transparent and fair mechanisms for fixing remuneration and guaranteeing stability of tenure in the entire judicial system.
- Donors should support civil society involved in research, public awareness activities, capacity building, advocacy, corruption prevention, and institutional capacity of organisations.
- The creation of an independent media and building the capacity of journalists through training workshops and seminars, particularly in the field of investigative journalism.

Government, civil society, and other partners should undertake research in such areas as:

- The link between culture and corruption and what should be done to ensure the effectiveness of anti-corruption institutions mitigating the private interests of public officials from that of the public, to avoid conflicts of interest and how they can be monitored effectively.

- The type of governance and its relation to corruption in government departments.
- The effects of executive powers on governance institutions.
- Reforming and decentralising the procurement system.
- Minimising leakages of public funds.
- The relationship between autonomy and the effectiveness of organisations.
- The relationship between an independent media and the effective campaign against corruption.

Bibliography

Ayissi, Anatole et al., *Bound to Cooperate: Conflict, Peace and People in Sierra Leone*, UNIDIR, Geneva, 2000

Cole, Joseph D.D., *The Law and the Media in Sierra Leone*, Media Foundation for West Africa, Legon, Ghana, 1998

The Laws of Sierra Leone, Vol. II, Waterlow and Sons Ltd, London, 1960

Van de Groden, Johan and Caroline Frensdorf, *Support to Public Procurement Reform of the Government of Sierra Leone*, Freetown, December 2002

Reports

Action Programme for the Development of Sierra Leone 2001–2010, Third United Nations Conference on the Least Developed Countries, Brussels, 13–20 May 2001, Freetown, December 2000

Action Programme for the Development of Sierra Leone 2001–2010, Third United Nations Conference on the Least Developed Countries, Brussels, 13–20 May 2001, Annex 2 (3)

Anti-Corruption Commission, Annual Report 2001, Freetown, Sierra Leone

Anti-Corruption Commission, Annual Report 2002, Freetown, Sierra Leone, 2002

Anti-Corruption Survey (Sierra Leone), Annex 3, Focus Group Reports, 2000

Auditor-General's Report on the Accounts of Sierra Leone, 1996–1999, Freetown, 2002

Sierra Leone Relief-to-Rehabilitation-to-Development Transition: A Continuum or A Vicious Cycle of Complex Scenarios, World Vision, Sierra Leone, November 1998

Country Financial Accountability Assessment (CFAA): An Assessment of the Central Government, the Republic of Sierra Leone, Freetown, 30 March 2002

Fourth Report – The Mr. Justice Lynton Nylander Commission of the National Unity and Reconciliation Commission and Government White Paper, Government of Sierra Leone, April 1997

Government White Paper on the First Report of the National Commission for Unity and Reconciliation, April 1997

Human Development Report, UNDP, Freetown, 1998

National Strategy for Good Governance, Commonwealth Local Government Forum Sierra Leone, Local Government Consultancy, Freetown, February 1997

Presidential Address, 20 June 2003, Freetown

Presidential Address: On the occasion of the State Opening of the First Session of the Second Parliament of the Second Republic of Sierra Leone, Government Printing Department, Freetown, Sierra Leone, July 2002

Public Expenditure Tracking Survey (PETS), January–June 2001

Report of the Beccles Davies Commission of Enquiry, Vol. 1, Government Printing Department, Freetown, 1993/4

Survey Report: National Perception and Attitudes towards Corruption in Sierra Leone, National Reform Secretariat, Freetown, 2000

Newspapers and Journals/Magazines

The Critic Magazine with Bite, 'What the Observers Say', the Pan-African Association for Human Rights and Democracy, Conakry Guinea, Freetown, June–July 2002

The Eye, Anti-Corruption Commission Newsletter, Vol. 2, Freetown, April 2002

For Di People, 'Press Freedom', Freetown, 25 November 2002

The New Citizen, 'Constitutional Violation' (Commentary), Vol. 6, No. 17, 28 February 2002

The New Citizen, 'Customs Department...Corruption Infested Department', Vol. 6, No. 108, Freetown, 19 December 2002

Peep Magazine, 'The Philosophy of Corruption, Part III, Unchecked Corruption Will Lead to Another Rebel War', No. 82, Freetown, 19 July 2002

Peep Magazine, 'Two Cases a Day for Ombudsman!' Freetown, 9 May 2003

The Policy Newspaper, 'Wealth, Corruption and Abuse of Power', Freetown, 25 October

Sierra Leone News, 'Police and the Judiciary', Vol. 1, No. 15, Freetown, July 2002

Standard Times, 'Corruption confirmed at Ports', Vol. 3, No. 5, Freetown, 12 August 1996

Standard Times, 'Justice in Sierra Leone: From Madness to Hope', Vol. 5, No. 15, Freetown, 10 July 2002

Wisdom Newspaper, 'Anti-Corruption Commission Presents Annual Report to President Kabbah', Freetown, 29 July 2002

Legislation

The 1991 Constitution of Sierra Leone, Government Printers, Freetown, 1991

The Constitution Reinstatement (Consequential Provisions) Act, Government Printers, Freetown, 1996

The Constitutional and Statutory Instrument Act 1 1999

The Anti-Corruption Act 2000, Government Printers, Freetown, 2000

The State Proceedings Act 2000, Government Printers, Freetown, 2000

The Political Parties Act 2002, Government Printers, Freetown, 2002

Independent Media Act 2002

The Electoral Laws Act 2002, Government Printers, Freetown, 2002

The Human Rights Commission of Sierra Leone Act 2004

The Anti-Money Laundering Act 2004, Government Printers, Freetown, 2004

The Local Government Act 2004

The Government Budgeting and Accountability Act 2004

Endnotes

- ¹ Survey Report: National Perception and Attitudes towards Corruption in Sierra Leone, National Reform Secretariat, Freetown, 2000, p. 11
- ² *Independent Observer*, No. 369, Freetown, 28 June 1999, p. 1
- ³ Country Financial Accountability Assessment (CFAA), An Assessment of the Central Government, the Republic of Sierra Leone, 30 March 2002, p. 1
- ⁴ Action Programme for the Development of Sierra Leone 2001–2010, Third United Nations Conference on the Least Developed Countries, Brussels, 13–20 May 2001, Freetown, December 2000, p. 11
- ⁵ Anti-Corruption Commission Survey (Sierra Leone), Annex 3, Focus Group Reports, 2000, p. 4
- ⁶ *Peep Magazine*, 'Philosophy of Corruption, Part III, Unchecked Corruption Will Lead to Another Rebel War', No.82, Freetown, 19 July 2002, p. 3
- ⁷ Auditor-General's Report on the Accounts of Sierra Leone, 1996, Freetown, p. 26
- ⁸ *Standard Times*, 'Corruption Confirmed at Ports', Vol 3., No. 5, Freetown, 12 August 1996, p. 2
- ⁹ Sierra Leone Relief-to-Rehabilitation-to-Development Transition: A Continuum or A Vicious Cycle of Complex Scenarios, World Vision, Sierra Leone, November 1998, p. 9
- ¹⁰ Anatole Ayissi et al., *Bound to Cooperate: Conflict, Peace and People in Sierra Leone*, UNIDIR, Geneva, 2000, p. 29
- ¹¹ Sierra Leone Relief-to-Rehabilitation-to-Development Transition: A Continuum or A Vicious Cycle of Complex Scenarios. World Vision, Sierra Leone, November 1998, p. 9
- ¹² *The Policy Newspaper*, 'Wealth, Corruption and Abuse of Power', Freetown, 25 October 2001, p. 2
- ¹³ Sierra Leone Vision 2025 Document, Freetown, 2003
- ¹⁴ Johan van de Groden and Caroline Frensdorf, *Support to Public Procurement Reform of the Government of Sierra Leone*, Freetown, December 2002, p. 3
- ¹⁵ Anti-Corruption Commission Annual Report 2001, Freetown, p. 9
- ¹⁶ Presidential Address: On the Occasion of the State Opening of the Second Session of the Second Parliament of the Second Republic of Sierra Leone, Government Printing, Freetown, 20 June 2003, p. 10
- ¹⁷ Public Expenditure Tracking Survey (PETS), January–June 2001
- ¹⁸ Report of the Beccles Davies Commission of Enquiry, Vol. 1., Government Printing Department, Freetown, Sierra Leone, 1993/4, p. 1
- ¹⁹ Human Development Report, UNDP, Freetown, 1998, p. 3
- ²⁰ Fourth Report, The Mr. Justice Lynton Nylander Commission of the National Unity and Reconciliation Commission and Government White Paper, Government of Sierra Leone, April 1997, p. 2
- ²¹ Government White Paper on the First Report of the National Commission for Unity and Reconciliation, April 1997, p. 1
- ²² Presidential Address: On the Occasion of the State Opening of the First Session of the Second Parliament of the Second Republic of Sierra Leone, Government Printing Department, Freetown, Sierra Leone, July 2002, p. 8
- ²³ Sierra Leone Relief-to-Rehabilitation-to-Development Transition: A Continuum or A Vicious Cycle of Complex Scenarios, World Vision, Sierra Leone, November 1998, p. 9
- ²⁴ Anatole Ayissi et al., *Bound to Cooperate: Conflict, Peace and People in Sierra Leone*, UNIDIR, Geneva, 2000, p. 29
- ²⁵ *The Policy Newspaper*, 'Wealth, Corruption and Abuse of Power', Freetown, 25 October 2001, p. 2
- ²⁶ Sierra Leone Vision 2025 Document, Freetown, 2003

- ²⁷ Johan van de Groden and Caroline Frensdorf, *Support to Public Procurement Reform of the Government of Sierra Leone*, Freetown, December 2002, p. 3
- ²⁸ Anti-Corruption Commission, Annual Report 2001, Freetown, p. 9
- ²⁹ Presidential Address: On the Occasion of the State Opening of the Second Session of the Second Parliament of the Second Republic of Sierra Leone, Government Printing, Freetown, 20 June 2003, p. 10
- ³⁰ Office of the Clerk of Parliament
- ³¹ *The Eye*, Anti-Corruption Commission Newsletter, Vol. 2, April 2002, Freetown, p. 8
- ³² *The Eye*, Anti-Corruption Commission Newsletter, Vol. 2, April 2002, Freetown, p. 8 and Vol. 5, p.8
- ³³ *The Eye*, Anti-Corruption Commission Newsletter, Vol. 5, p. 8
- ³⁴ The Political Parties Act 2002, Sierra Leone Gazette, Vol. CXXXIII, No. 8, 21 February 2002, p. 5
- ³⁵ *The Critic Magazine with Bite*, 'What the Observers Say', the Pan-African Association for Human Rights and Democracy, Conakry Guinea, Freetown, June-July 2002, p. 12
- ³⁶ *The New Citizen*, 'Constitutional Violation' (Commentary), Vol. 6, No. 17, 28 February 2002, p. 8
- ³⁷ Final draft produced by the government of Sierra Leone in 2002
- ³⁸ *Standard Times*, 'Justice in Sierra Leone: From Madness to Hope', Vol. 5, No. 15, 10 July 2002, Freetown, p. 4
- ³⁹ Anti-Corruption Commission Survey 2000
- ⁴⁰ *The Eye*, Anti-Corruption Commission Newsletter, Vol. 2, April 2002, Freetown, p. 8
- ⁴¹ Anti-Corruption Commission Survey 2000, p. 9
- ⁴² *The Eye*, Anti-Corruption Commission Newsletter, Vol. 2, April 2002, p. 7
- ⁴³ *Sierra Leone News*, 'Police and the Judiciary', Vol. 1, No. 15, Freetown, July 2002, p. 5
- ⁴⁴ *Peep Magazine*, 'Two Cases a Day for Ombudsman! ' Freetown, 9 May 2003, p. 2
- ⁴⁵ *Peep Magazine*, 'Two Cases a Day for Ombudsman! ' Freetown, 9 May 2003, p. 2
- ⁴⁶ Anti-Corruption Commission Survey 2000
- ⁴⁷ *The Laws of Sierra Leone, Vol. II*, Waterlow and Sons Ltd, London, 1960, p. 1183
- ⁴⁸ Independent Media Act 2002
- ⁴⁹ Joseph D. D. Cole, *The Law and the Media in Sierra Leone*, Media Foundation for West Africa, Legon, Ghana, 1998, p. 8
- ⁵⁰ Ibid, p. 14
- ⁵¹ Ibid, pp. 8, 9 and 13